

Board of Okanogan County Commissioners
Tuesday, July 5th, 2022, 1:30 p.m.

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Present:

Andy Hover (AH), BOCC District 2
Chris Branch (CB), BOCC District 1
Jim Detro (JD), BOCC District 3
Lanie Johns (LJ), County Clerk
Pete Palmer (PP), Planning Director

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

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

***Summary of Important Discussions:** M&W Engineers selected for jail HVAC renovation project based on local experience, staff expertise and familiarity with system; first month's jail rental came to \$13,000, subsequent bills should be lower; County Assistance revenue to cover extra maintenance expenditures, \$450,000 so far; noxious weeds treated at old landfill by airport; Planning director told more time needed to assess water studies after expiration of two-year building permit moratorium in greater Tunk Valley and, excepting some vested lots, future subdivisions of fewer than 100 acres unlikely given studies' findings; BOCC will urge the two remaining Mid-Valley board members to delay action in swearing in replacements for those who have resigned, will recommend more thorough application process, CB concerned about county's image, says there may be an investigation; 9ll equipment purchase approved; Methow EMS funding amendment discussed.*

1:30 - CB talks about a tour which will be given to the Forest Collaborative by a representative of Hampton Lumber Co. He is impressed by the person's qualifications. Some discussion about previous meetings' minutes.

1:45 - AH: We now have a review of the two companies with proposals for the HVAC renovation project at the jail. The first is Sesame Group out of Oregon, Washington and Arizona. The other is M & W Engineers from Spokane... They were part of the original JVAC installation in 1980 when they were called Riley Engineer Group. They're doing work for us on the Justice Building and the sheriff's storage building. They've done extensive work with jails (*he reads a long list*) and they did a water heat pump installation for the Omak School District. The Sesame Group is a consulting firm focused on sustainability and clean energy solutions, all aspects of HVQC design and operations. Looks more like they're going to do the whole plan. I like the fact that (M & W) has all that experience with the geotechnical well stuff... The senior hydrologist's expertise is in ground source heat pump and (*inaudible*) storage.

1:56 - CB: So the other firm doesn't have that experience? It's hard to determine unless you have

a lot of insight. A lot of the time it's based on having been hired again and again but the law says it's based on qualifications. AH: M & W is more specific with review of HVAC systems. The other is more in trying to clean up your system. CB... Based on familiarity with the system and with Eastern WA I would lean toward M & W. A motion is passed to select M & W as qualified engineers.

2:02 - LJ: We've received the bill from Sunbelt for jail rental, \$13,000 for one month.

Subsequent invoices will be lower. AH: We should probably do a budget supplemental for all the maintenance on projects that we've said yes to. The jail is over budget because of supplies, professional services. AH: The supplemental can be taken out of the County Assistance revenue money. Our budget was \$650,000 for that and we're at \$1.1M.

2:11 - LJ: I got an email from Larry (Hudson, Noxious Weeds) and he asked if the agreement was a comprehensive agreement and whether it covered all county property or just the parcel they gave a parcel number to, and will the county be notified anytime weeds are found on county property? And Larry said they can (make individual contracts) or bundle them up... BOCC approves consent agenda except for this item and passes a motion to have Noxious Weeds take care of the parcel in question, the old landfill by the Okanogan Airport.

3:15 - Tunk Valley Building Permit Moratorium Expired - AH is surprised to see PP as she is not on the agenda. PP: I just wanted to see if there were any questions about the resolution on boundaries. And I did want to talk about the moratorium. In my email I sent copies of that ordinance, codified in 2020. (As it's expired) the only thing left is the water study for the Tunk Basin. I'm not sure what you wanted the moratorium to do.

CB: We now have three studies but haven't had time to assess the need for (inaudible). AH: Pete, if somebody walked in today and said "I want to do a long plat in that 5acre portion of Tunk," what would you have to do in order to fulfill the request?

2:21 - PP: There was an amendment made to the code prohibiting subdivisions. CB: A zoning amendment, with a public hearing? PP: Yes. CB...This is an odd approach. If you had a moratorium you'd have it 6 months or a year. If you're making a water study area, you made it two years. You restrained activity in that area. I'm not sure someone couldn't argue that was not a moratorium. And we got a study done but didn't do anything about it. It was pretty convincing. And a follow up study. AH: I'm the one who asked for two years because I didn't want it to go on and on. So It might be over but under Hearst (the ruling on subdivisions) you have a responsibility to check for the physical and legal availability of water. Even if there's no moratorium and I say I want to do a subdivision, since we have two studies we couldn't say there's availability of water. PP: They'd just say there's a well with enough clean water. But there would be a site analysis.

2:27 - CB: If I came in... and I said I want to subdivide to 20, that's what I'm buying. You're going to go to River Bank and say (there are 166 wells allowed) so you're good. ... (That covers) an area much bigger than Tunk Valley. PP: In the Methow it goes back to prior documents, depending on when the wells were built... If, say, we max it out, allocate all 166 of those wells (in an area covering tributaries to the west and the east of the Okanogan) and Joe Brown says "I want to develop my home site" and says "back in '68 you approved this short plat"... (2:29) AH: We could also zone it as 100-acre parcels. Allow people to draw lots because they're prior-vested (having a property interest that cannot be impaired or taken away without the owner's consent). PP: Do you have an idea of how many available lots are there, already existing? AH: We have to determine how many wells that (aquifer) can handle additionally. The second factor is the number of existing lots that could be vested, and if the number of wells is

lower than the number of existing lots then obviously you're not going to allow subdivision any longer...

2:31 - CB: ...There are basins that had land that held water and others that didn't. Hearst didn't get into that at all... I'd like to look at the lots. I'd say probably they're vested lots. Probably why we should have a finding is there are this many lots that are vested. We want to make sure those that are vested and using a residential water permit are able to do that. We have no certainty we'd have any water even beyond a part of those lots. We'd have to do an amendment to make it work. The reason I'm promoting a short-term moratorium is... to make sure no other lots are vested... There are a whole bunch of things that are allowed in those districts beside single family residences. AH: You change it to "MRD 20s", something that had its own specific use. 100s don't allow for multi-family— CB (to PP): I understand your confusion, especially when you see these water use studies...AH: We as a county have to be responsible for not giving building permits willy-nilly, We'd stand a pretty fair chance in court being on that side of the coin. PP: I'll take a stab at this and get it on the next agenda. CB: It seems like an approach. (He says he'd like to be able to look at a map.)

2:40 - Vacant Posts on Mid-Valley Board of Commissioners - AH reads a memo about possible swearing-in of new commissioners, is surprised to learn the board can select them without submitting applications. CB: That's the weird thing... The statute says that if there are two left, the other two appoint somebody, which is a quorum, then they can appoint two more as a quorum. AH: Pick whoever you want and you can stack the deck? CB: That's what's going on. To me that's just another thing that takes any confidence in local government process and tips it upside down. There's opportunity for written comments so I'm going to write some comments to ask for a delay in their decision-making. What happened is we were left with the secretary and one board member. The secretary assumed the chairman position and cut out any interaction between the CEO and the board. And so... It makes you think about the people that resigned, who they are and why they resigned. They actually built and managed a team... The last CEO's been there five years and made positive changes. But he had some people that (inaudible) to local government and had their own agendas. It could be really damaging, especially if you had these two staff walk out the door. It would be a real problem. Because you'd have the people that you'd just hand-picked, I don't even know if they're qualified to be in those positions, and anybody's qualified, right? And then hiring a new administrative staff. These guys have made this commitment and live here now. We talk about attracting people to live somewhere. If this sort of stuff goes on I'd get as far away as I could. That doesn't speak well for us.

2:44 - AH: Let's back up because that's a hospital district, and that's not the way county government has been doing things... So when do they run for election? CB: Just the General (Election). So during that period of time, what could you do? AH: Hold out. CB: That's what concerns me. One former senator called me on that matter. She'll be at that meeting. I think there's going to be some legal action that takes place. I think a letter from the County Commissioners could be helpful in saying let's just slow down this process: we're not sure we understand, as county commissioners— AH: — the process that you're going through to appoint these board members and would appreciate a discussion with the current board members before they take any action. CB: I don't think they do have to take any action right away, but they have 90 days, otherwise we have to take action... They would be more responsible if they they took some applications for the positions, or appointed the positions for a short period of time until we had the opportunity to take applications (inaudible). Because what they're going to do is get those positions in there right away and design the CEO hiring process... If you look at this situation from an objective standpoint, your CEO that's been named interim could be named that CEO and (inaudible). A guy sent me a letter that said if things are financially good and moving along, then make a promotion rather than— It's just advisory. But there's probably going to be an

investigation. AH: The Attorney General should– CB: Do you know they person that’s serving as chairman? There’s two letters left but Evon Lagrou, the secretary, is acting as chairman now. (Inaudible.) But if there’s two members left, how do you approve without a quorum? So that’s right now being looked at. They shouldn’t get that deep into it until they know exactly what they’re doing. And you know, maybe bless their hearts in some ways.

2:52 - LJ brings up an expenditure for Sheriff’s 911 equipment that had been left out of the agenda. Motion passed to approve a contract of \$62,982 between Sheriff’s Dispatch and the Military Department. She also raised the issue of the Methow EMS district needing an amendment to their current contract to reduce their payments so there are reserves the district can draw from until the levy is collected. LJ: Part of the Air Methow contract requires a review in June of the excess levy from the prior year... Because the agreement requires 100% of the levy to be paid in 12 monthly payments it causes them to dip into the reserves each year because the treasurer only collects 90 to 95% of the budgeted levy amount. *The board moves to approve the July payment and to make an amendment allowing use of the reserves to make up for the missing revenue.*

3:04 - Meeting adjourned.