

Okanogan County Board of County Commissioners meeting October 3, 2022
PM session

AH – Andy Hover, BOCC Chair, District 2
CB – Chris Branch, BOCC vice-chair, District 1
JD- Jim DeTro, BOCC member, District 3
LJ- Lanie Johns, Clerk of the Board
EM - Esther Milner – Civil Deputy Prosecutor
HG - Halie Garcia (Moss Adams presenter)

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.countywatch.org/commissioner-and-board-of-health-meetings.html> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, click [here](#).

Summary of Significant Discussion:

- *Review of County code.*
- *Discussion of the fee waiver for Fair and the financial accounting of it*
- *Presentation from Moss Adams, a company that provides management and compliance services for ARPA grants.*
- *Executive Session postponed until tomorrow*

The time stamps refer to the time on the clock on the wall. Click [here](#) to go to the video.

Note- the following discussion refers to the County Code. Click [here](#) for a link to follow along.

1:30 pm – BOCC begins reviewing County Code. They begin by opening the legal review provided to them by the consultant that has been hired to update the code, and are also looking at the existing code as currently published.

EM –it might be easier to look at definitions later.

AH – Let’s start with general provisions section. Asks if EM has looked through Title 1 (General provisions). EM – section 1.08 – that classification is gone.

AH – in looking at section 1.01 – it refers to ordinances. That tells me that when we amend the code it should be done by ordinance and not by resolution.

EM 1.04 – they want us to look at definitions. BOCC goes through definitions and discusses. AH suggests using “BOCC” instead of “board” to refer to the county commissioners because it is less confusing. There are other boards, and people may be confused.

AH – discusses the definition of the word “law” as it appears in the current county code. CB talks about the difference between ordinance and resolution and how they are used in various jurisdictions.

1.08 – county classification. (has been obsolete since 1991). CB – asks about savings clause and whether it should be at the beginning under general provisions, or in individual sections. AH – quotes RCW that addresses the classification of counties.

Next section – 1.20 court districts. Short discussion to make sure this section is accurate.

Section 1.24 – Prisoners. Discussion about some sections. (One was written in 1895).

Section 1.40 – custodial care. EM explains the history of this section and revisions that were supposed to be made in the 1980's. It is unclear if those required changes were ever made. EM looked at another county that made changes as required, and suggested similar language to change Okanogan County code to bring it into compliance. She will provide that specific language when they get to that part of the review process.

2:05 pm Section 1.36 – Nuclear Free Zone. EM found an ordinance from the past declaring Okanogan county a nuclear free zone that had gone to a vote of the people. >75% of the population voted to keep OK County a nuclear free zone. The resolution gives the reasons. AH asks how the District Use chart addresses this. Talks about 17A (Zoning code). Suggests putting the nuclear free zone language in Zoning section rather than in it's own section. CB – points out that it could fall under manufacturing and also other categories. It might be worth keeping it as a separate section. Said he saw it come up only once in Oroville when they were dealing with trucks that were going to the airport that had residual nuclear waste (this was within Oroville city limits so did not apply to the county anyway).

CB – recalls that during the Enron electrical grid scandal there was discussion about alternative power sources (coal, gas, etc.). It would have required major overhaul of comprehensive plan. Suggests that it stay where it is in the code.

1.28 – General penalty – Discussion about how this works with the RCW. AH asks EM to take a close look at this section to see if it could be changed. Do we want to make a reference to civil infraction? How does this section interface with state law?

EM – agrees that the General Penalty should be a civil infraction, and other ordinance violations should be addressed individually as to whether they are a misdemeanor or warrant a higher penalty?

Section 1.32 – Right of Entry for Inspection. This section is reserved, but not currently in use. Discussion about whether it should be retained for future use.

AH – asks about how they want to handle the logistics of making suggested changes. Do they want to do it one Section at a time, or wait until they have reviewed the entire code. CB suggests taking notes as they go through, then addressing definitions once they have looked at the whole thing. Discussion about need to have public hearings on changes. Some will need hearings, some are more editorial and grammatical and would not need a hearing. AH – says any ordinance would require a hearing. Suggests that they gather ordinances together in groups for public hearings. Any that have public testimony can be extended and dealt with individually.

2:30 pm – Completed Title 1. AH asks EM to make a list of ordinances that would need to be repealed and re-adopted for Title 1. **Date is set for next Code review – Tuesday Oct 11th 3 pm.**

2:42 pm – AH wants to discuss fee waiver for Fair. There may be a conflict with revenue loss being in violation of ARPA fund double dipping. Discussion about details of this arrangement. Discussion about moving executive session to tomorrow.

3:00 pm – Halie Garcia (Moss Adams) joins Zoom. She is here to give a presentation on services her company provides. She is head of grant compliance. Provides grant compliance and grant management. Work with cities and counties to handle ARPA funds. From beginning to end. Worked with Chelan county. Take snapshot of where they are with funding. How much did they get, how much are they going to use for lost revenue, and what is left. How much is used already, how much is committed, how will it be allocated? Moss Adams will assist with work sessions, community outreach, accumulating results, putting together a strategic plan, and rolling out projects. We help with monitoring tools to help it be efficient. Assist with scoring

projects, executing RFA, scoring applications, etc. We can help management create a structure. Also help with reporting and monitoring how funds are being spent. We help internal team understand what requirements are, and getting documentation together to support requests. CB – says we have a list of projects that we have chosen, but we could benefit from an outside review to make sure we have done everything in compliance.

HG – Yes, that’s what we are all about. We know these funds will be audited, and our goal is to ensure that your documentation and policies and procedures are in order so you will pass the audit. We have a somewhat open-ended letter of agreement because we know that things will change along the way. We are kind of like a safety net that you can call on as you move forward when you have questions.

AH – asks about how fees work? Do they charge by the hour?

HG – We have a range for our fees between 1-2% of your award. We set up an engagement letter that says we will bill you for actual hours incurred. It really varies. Some counties have a number of hours up front, and then they are all set and only call us once a month to check on a few things. So in that case the cost is quite a bit less.

AH – asks about contracts that are specific to particular projects, and asks how they work with cities and towns that also have their own ARPA funds.

HG – We try to make it as simple as possible on the front end. Define and document up front. We do not do legal review, but we work on compliance from the Federal level on down. We help build requirements into your policies and procedures.

AH – We may have to go out for a RFQ.

HG – What is your RFQ limit?

CB – we don’t have one.

HG – As long as it’s under \$250K you could use ARPA funds. It should be under that. Many of our clients create a statement saying that they chose a sole source procurement based on an internal referral.

AH – says that he would prefer not to go out for RFQ as long as it’s legal.

HG – shares the CFR rules that dictate the \$250K limit.

AH – asks how many other counties and cities they are working with.

HG – about 5 counties, and quite a few cities and towns. Once I get the go ahead, I would put together a statement of work with details on invoicing and fees.

AH – reviews Okanogan county procurement rules. County rules require anything over \$10K have 3 quotes. Need to do due diligence in making sure they are getting a competitive price.

HG – You may want to reach out to Chelan county to see how they handled it. They were in a similar situation.

AH – this will be a big help, especially for our Clerk of the Board, who has been doing the ARPA compliance.

AH – likes the a la carte aspect. Only pay for what you use. It will be good to get our policies and procedures all squared away, and also the documentation.

3:32 pm – Lanie Johns says she has a couple of follow up resolutions for tomorrow. Also amendment to CDBG grant agreement with OCCAC. BOCC reviews it. JD moves to approve the amendment. CB seconds. Approved.

LJ – asks about a motion to approve a style sheet having to do with the code publishing.

Explains that they need to approve the proposed style of the new code. How it’s formatted, numbered, cross-referenced, etc. The consultant provided a sample of the proposal. Discussion about what should be capitalized and how it is important to be consistent.

3:51 pm – LJ – shares a letter of support having to do with ARPA. Now that we are most likely going to hire Moss Adams, this letter and others like it will be incorporated into their work. Short discussion about how ARPA funding projects were determined. Includes topic of equity and how it applies to infrastructure funds in Okanogan County.

AH – says that he has come around to realize that some organizations that he doesn't always agree with actually can have some good ideas. Talks about how it can be beneficial to concentrate development in towns.

JD – mentions a project where they want to use some area for staging heavy equipment that will likely result in damage. Thinks it makes more sense to have a piece of property closer to the highway. *(Not sure where this is exactly).*

LJ – returns to the topic of the draft letter and asks for input.

AH and CB – suggest edits to the letter.

4:08 pm – AH mentions example of how Town of Twisp is ready to drill a new well for property they want to annex.

Discussion about potential ARPA projects. AH suggests that they review their list to identify which ones are for sure happening. Then they can let the towns know so they can move ahead and start their projects.

LJ – has application that came in. Discussion about the format of the application.

AH – suggests that they print out their ARPA project spreadsheet so they can all review it together. The list was created, but the final approval of projects has not been approved yet. We need to pass resolutions for each project that is approved so that it is documented, and the reasons for approving are noted. Some things have changed since we created this list.

4:22 – meeting adjourned