

**Board of Okanogan County Commissioners
(BOCC)
Nov. 20, 2018**

Jim Detro – JD (BOCC)
Chris Branch – CB (BOCC)
Andy Hover – AH (BOCC)
Josh Thomson – JT (Public Works)
Ben Rough – BR (Public Works)
David Gecas – DG (Civil Att.)
Tanya Craig – TC (Risk Manager)
Leah McCormick – LM (Treasurer)
Cari Hall – CH (Auditor, Finance Mgr)

Debi Hilts – DH (HR)
Joe Poulin – JP (Maintenance & Fair Grds)
Perry Huston – PH (Planning)
Laleña Johns – LJ (BOCC Clerk)
Laurie Thomas – LT (Auditor)
Stella Columbia – SC (Fair Events Coord.)
Maurice Goodall – MG (Emergency Mgmt)
Mike Worden – MW (Dispatc)

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Summary: Discussing meaning of “public water”, Civil Attorney: Email, Risk Pool about two cases, Exec. Session – potential litigation, Code enforcement possibility, Public Records request, Clerk’s office – HB 1783, Elmway levee, electronic signatures, **Fair Events:** Move next FAC meeting to Dec. 6, Agriplex tables out for a full inventory, Rotary is asking about helping, Chronicle reporter was at the last FAC, SC to be in more control of budget, **Admin & Fair Grounds Maintenance:** Well decision, Portable propane auxiliary heater, Tables that didn’t sell, Aging & Adult Care is looking for new office space, **BOCC & Admin Clerk:** Oroville EMS voucher, **Planning & Admin:** Working on well, USFS MOU for using BOCC parking lot, Planning Commission - interim control on the 3 Tunk Valley sub-drainages, Cannabis, **PUD decision on Enloe is final, Public Works:** Engineering: Hwy 20 through holidays, Water/flooding issue on Hwy 153 at Carlton, Possible culvert replacement on Johnson Creek @ Greenacres, Statler Bridge, Buffalo Lake rd, Kartar Valley Rd, Sinlahekin Rd, Blue Lake culvert, Admin & SW: SW Tipping Fees, Adoption of final SWMP, SW from Ferry County, Apple Maggot Implementation, **Public Comment:** 1) I-1639 – asking for County “Gun Sanctuary” statue, 2) TV District #1 – possible dissolution and next steps, **County EMS levies, Central Services:** Fiber optic line, Own ISP?, Email server, Ongoing projects, **Courthouse Complex Maintenance Budget Review, Vouchers**

9:00 AH & CB here. Also LJ, DG, SC, PH, JP. No JD today

AH & PH **discussing meaning of “public water”** – sometimes everyone, other times only for a certain “group,” city or municipality. CB – OK, but courts decide then it’s final, for “now.” PH – yes, always good to pick your battles over any thing. Look at legislative history and discussion for “intent.”

CB is presiding today and opens session.

DG (**Civil Attorney**)

- **Email** not working yesterday so dealing with a lot today.
- Last Thursday – had a call from the **Risk Pool about two cases** involving individuals. Cases not filed any case for damages but pre-file negotiations. Will need an Executive session for sharing details. This is all pre-litigation.

- **9:10 Exec. Session – potential litigation.** AH, CB & DG. 10 Minutes. Return, not decision at 9:21
- **Code enforcement possibility** discusses. Was gone over yesterday – a cabin in flood plain, looking into with PH and discussion. Probably need to have a cabin moved off of flood plain. No application for a building permit was issued to owner. PH will work up list of violations & issue a warning. DG – code goes under civil, criminal or a court order. Civil probably best – burden of proof falls on owner but need to inform owner of appeal process. Avoids due process complaints later on. Criminal process puts burden of proof on County to demonstrate that cabin is on flood plain. Law not clear about right of County for entry to inspect or survey the cabin or boundary lines. PH & DG – a citation is issued every 30 days until abated. The citations accumulate. DG – hear person is trying to sell – that would be a problem as the new owner might not be aware of what has transpired – always the question of the citation being on the person or land. CCT and Salmon Recovery discussion – Ah & DG – might be interested. Would solve some issues. Cabin is definitely in 100 year flood plain and maybe also in flood way on Twisp River. Is goal compliance or payment of a fine? PH – does citation amount to a lien on the property? In the past previous BOCCs have refused to hold citations against property. That leaves no good way to enforce with something.
- **1 Public Records request** – digital ballot images. Case law supports that ballots are exempt as County needs to keep them secure.
- **Clerk’s office – HB 1783** concern of some interpretation that can’t use collection agencies. Criminal cases definitely say cannot charge interest.
- **Elmway levee** from Public Works. Corps of Engineer’s wants a lot of data before proceeding on levee repair/rebuild such as full title reports and if any encumbrances need to be cleared before the Corps will proceed. Similar issue on proposed Riverside levee.
- Public Works over **electronic signatures**. Would need a County policy to be passed to allow.

SC (Fair Events)

- Mike Egerton (FAC Chair) wants to **move next FAC meeting to Dec. 6** (a week early) for his other commitments. SC will get out a notice so that all other FAC members are aware.
- Finally got all **Agriplex tables out for a full inventory** – 32 plastic rectangle, 25 round, the rest are particle board and most damaged – about half. AH – Sc has not thrown away any damaged tables. Rabbit Barn wants to use the frames for making stands. AH need to surplus all damaged and go through surplus process. Get current inventory and reconcile. (Discussion of process and issues: CB if tables are repurposed do they say on inventory as old tables or re-entered as new table? LJ – under \$2500 value?, the higher value would change procedure. AH/LJ – change “owner” from Agriplex to Fair? Depends on when purchased, before 2003 would not be any good inventory.) Since have tables out need to take time to get a good inventory/asset list.
- **Rotary is asking about helping.** Investigating offering to help. JP & SC – will write up a proposal to update Annex and submit proposal to Rotary. Involve painting, fixing floor and more.
- **Chronicle reporter was at the last FAC.** Wrote a big article about the budget over run issue. Reported discussion as a “fact” when it was not totally accurate details.
- SC & Mike Egerton – discussing **role of SC to be in more control of budget.** AH wants to have FAC explain and have specific budget request backed up with rationales. No flat % requests or increases. AH – in general need to plan and use the plan to drive budget, not

set a budget and work out how to spend it. CB – FAC needs to follow same line item process as other departments = use previous years as a guide – estimates, justification for changes, etc.

10:00 Finance Committee meeting is canceled.

JP (Admin & Fair Grounds Maintenance)

- **Well decision?** AH – screen fix cost came in much higher and with no guarantee of solving problem. With all the fixes that JP has done on system is this solution workable? JP – a lot less sand this year. AH – there is no sand filter the current system. Set up for a “U” shaped with accessible filter to clean for periodic maintenance. JP feels current set up might be workable – wants a flow meter to determine what flow is current available. Wants to know if they anywhere near the limits on the well or is there potential for more? Or not? AH – measure the flow/pressure at the ends of the lines (N & S). Solution might be in management of irrigation cycle and installing a more efficient underground system. No decision was made on Monday. Wants to have more detailed analysis to frame the issues. What is the goal for coverage? What time to make a complete irrigation cycle? Is there enough water to meet goals? CB – due to uncertainty in anyone watering year will performance adequate to make a prediction? Uncertainty of best location for a new well is a problem. Recommended “witched” location is a long way from current well – 150 ft. is a added cost. The locations are on opposite sides of the Annex/Agriplex – N & S. AH wants JD to be in on the decision about what to do. Formal discussion will be next Monday. AH & CB – after reviewing current proposals not to build new well pending further discussion. JP is to use flow meters in spring. Install a “U” filtration system regardless.
- There needs to be an install of a quick connect propane at the Agriplex for using the **portable propane auxiliary heater**. This connect has to be before the regulator to ensure adequate flow/pressure. Usage fee will be at \$165 per day. It takes a day or two to bring temperature up to a comfortable level, renter’s choice. LJ – nothing about this in the official fee schedule. PH calculated \$165 based on monitoring daily usage over several days and averaging.
- JP has pictures of **tables that didn’t sell** at the surplus sale. Go back on inventory? LJ – things that are surplus as no longer “usable” – disposal in most efficient manner after sale. There needs to be a careful accounting. Each year each department should produce an inventory list of “short lived, under \$250 items. State Auditor does not closely monitor what is on the list, just having a list. What of the non-sold items? No clear answer, needs to be discussed.
- CB – **Aging & Adult Care is looking for new office space**. Might be interested in the John Hancock building and needs more information to consider. Building is 1500 sq. ft., rental fee last time looked at was \$0.43 per sq. ft. CB needs to pass on info and whom Aging and Adult should contact (JP). The 1500 sq. ft. does not include the basement – basement can flood, so limits usability. Corrections paid \$1657 per month, when they rented the building. County pays water, sewage, garbage – rentee pays heating, power, etc.

LJ (BOCC & Admin Clerk)

- **Oroville EMS voucher** needs to be done before noon. Oroville EMS levy has failed. Lifeline has submitted 69 day notice – sent verbal word that they would be willing to continue service until County has had a chance to figure out what to do. Lifeline has submitted amendments to change the terms for the level of service to meet available funds. DG feels

amendments are contrary to terms of the contract. There is an old promissory note that seems to have fallen through the cracks that follows the contract. All this needs to be sorted out.

- Move to adjourn as BOCC & reconvene as Oroville EMS. Passed. Approve voucher to Lifeline to pay current monthly fee. Will need to get everyone together to resolve issues. Adjourn Oroville EMS & Reconvene as BOCC.

PH (Planning & Admin)

- **Working on well.**
- **USFS MOU for using BOCC parking lot**
- **Planning Commission** met on Monday night.
 - o Approved **interim control on the 3 Tunk Valley sub-drainages**
 - o **Cannabis** – PH to draft new code, do the SEPA, schedule a Public Hearing for the PC – PC then to pass decision to BOCC, BOCC may have a public hearing or just make a decision.

PUD decision on Enloe is final. Suspending electrifying of the dam. Wells, Bonneville and others all have much cheaper power than any Enloe power (estimated at \$185 per Kw). PUD staff has 120 days to explore legal and other options.

TC – Marshall's attorney has dropped suit against County.

Public Works (JT & BR)

- **Engineering (JT)**
 - o D of T goal is still to keep **Hwy 20 through holidays**
 - o Working on a **water/flooding issue on Hwy 153 at Carlton.** County exploring possibility of an old culvert under 153 that has “disappeared” over time. D o T contends no culvert but County has located some old culvert though may not continue under Hwy 153.
 - o **Possible culvert replacement on Johnson Creek @ Greenacres.** CCT may want to replace and help with the costs. Con. District is willing to assist communication. Some funds from Salmon Recovery for Outreach might be available. County would need to make a proposal and submit. About \$27,500 between Chelan & Okanogan Counties. Outreach is an art form – need the right person.
 - o **Statler Bridge** – CRAB contract to re-sign by County. CRAB revised prospective to match current biennium for funding. Old contract was for next biennium. Vice Chair to sign.
 - o **Buffalo Lake rd** – CCT project: Still trying to get down base core. County will do winter maintenance and then CCT to pave in spring.
 - o **Kartar Valley Rd** – CCT: CCT wants to pave the road. County needs to vacate the road, there are no records of the County ever “owning” road. So really making declaration that County has no claim on the road.
 - o **Sinlahekin Rd, Blue Lake culvert:** All pieces are here, will begin to assemble & install on Monday after Thanksgiving. Public notice signs are out, closure will be next week for about two weeks.
- **Admin & SW**

- Increasing **SW Tipping Fees**: There is no need to amend the SWMP (Solid Waste Management Plan). Notice is out to Cities, SWAC and Commercial Haulers. Public notice will be in January/February.
- **Adoption of final SWMP** – will be on Consent Agenda next week. There is final approval from DoE. Exciting, the process began in 2017. After approval will need to get copies to all inter-locals. BOCC could see a full public hearing. Final draft – BOCC has all comments, Final only one comment to correct hours of operation of Green Okanogan.
- **SW from Ferry County**: Will need to amend CUP. Meeting with CCT Public Works on Nov. 18 @ 10:00 am.
- **Apple Maggot Implementation**: Kent was at Twisp transfer station last week. Not much green waste came in, maybe 5 yds. A lot of questions from the public, there and on phone. Seems much public lack of knowledge.

Lunch

1:30 Public Comment

- Malott person is protesting about state passage of **I-1639**. Wanting Okanogan County to pass a “Gun Sanctuary” resolution. Feels provisions of initiative are “unconstitutional.” Reads parts of I-1639 for 1) checking background process – how, means.
 - Person is former gunsmith – defines “assault” rifle – disagrees with definition in initiative. CB points out that every initiative defines terms and that stated definition is binding not some other definition.
 - AH - Agrees with position of speaker but needs a great deal discussion before any resolution or proclamation.
- GT (George Thornton) points out the Washington State in all past cases does not determine constitutionality before an initiative is passed. Then the courts determine through due process. This may not be a personal or group interpretation of what the constitution says.
- **TV District #1** (Directors: Victoria Velategui, George Thornton)
 - Five hurdles to continuing operations: Omak Mtn Lease, Possible loss of major network feeds, necessary upgrade of equipment, regular technical support and need to have adequate long term funding.
 - If not resolved District will be forced to dissolve
 - CB – Can TV District “assess” in some fashion in other usage areas? Currently even within service area fees are optional. County will look into possibilities in fees from Chelan area.
 - TV District has had contact from KSPS/KPBX Spokane and an offer for help. District will pursue this lead. GT will be contact and go between for effort and keep BOCC up to date on efforts.

BOCC needs to have a meeting with FAC appointees.

Discussion of **County EMS levies** and ability to increase millage, valuation for levy. If the valuation changes, the millage rate is automatically adjusted to derive the same dollar amount. For example, if the property valuation rate goes up then the millage (\$ per \$1,000) will go down to keep the dollar amount constant) Discussion is how this works out in various hypothetical cases. County can have an *ad valorem* each year to derive a greater amount of revenue up to the limits of the law. (*Ad Valorem* roughly translates to “add value” – so up to the limits of the law the County can raise

the dollar goal each year. The amount (1% of the \$ amount), is not enough to cover inflation); This discussion is leading up to budget issues of the EMS in the County. LJ – County needs to have a public hearing on County tax rate before budget on the **Oroville & Tonasket EMS Districts** are set.

3:00 **Central Services**

- AN issue to discuss. Old **fiber optic line** connecting Admin building to the Public Works building always had had some problems. Traditionally affected by weather but now getting worse. A lot of latency issues. Real poor quality on phone and internet connections. Very costly repair. Not aware of any local independent installer or troubleshooting. AH – suggests looking into “Methow Valley Fiber Optic”, a repair and installer in the Methow. Might be able to solve the issue. LJ – possibility of single source contracting and will supply a worksheet to determine.
- Question if County should become its **own ISP** - it would save a lot of money.
- **Email server** is having a variety of difficulties. Was installing a new computer/server and swapped in old hard drives with all the data. The new set up has damaged the hard drives – lost some email and data in the process (3 days worth) and reliability issues. A variety of problems at the user level are attributed to this problem. Working on installing a virtual server & recovering what is possible. Right now system is quite precarious. Whole staff may be working over the whole holiday to rebuild the system. Hopefully users will not notice the problems due to holiday.
- Review of **ongoing projects** – CJS (Criminal Justice System) compliance standards. Continuing to work to reach compliance for connecting to WSP system. Security on routers all upgraded. Hooked up phone at Public Health.

3:30 **Courthouse Complex Maintenance Budget Review** with Finance Committee & BOCC (JP)

- All jail and juvenile maintenance going over to 160 Fund (Juvenile Facilities Sales Tax).

4:54 **Approve vouchers** – special run, Payroll, Public Health vouchers & payroll.

Adjourn