

BOCC
Mar. 21, 2016

Jim Detro – JD (BOCC)
Ray Campbell – RC (BOCC)
Sheilah Kennedy – SK (BOCC)
Lanie Johns – LJ (County clerk)
Albert Lin – AL (Deputy Pros. Atty)
Perry Huston - PH (Director of Planning and
Development)

Ben Rough - BR (Public works admin.)
Josh Thomson - JT (County Engineer)

All writer's comments in italics. This is a paraphrasing of conversations. As this has periods of BOCC work time there are extended periods of BOCC members looking at papers, reading correspondence on computers, and texting. All BOCC members were present at the opening.

CONTENTS: Fire mtg 4/8/16; Contract v employ't (shop, Dept heads/Frgrnds); Water - Methow Watershed Council, Clean WaAct; JARPA; Salvage sales; USFS snubs "coordination"; Jail ceiling; Pasay'n Pk Land Trans; Elim. of Cnty E'gner from rds review; BOCC/ union contract issues; DRS penalties; Whistler Can.; E. Lk Osoy. Sewer.

MISC.

9:00 JD – Anything pressing, has a Range meeting with 2 permittees and agencies. Wants to go to Loomis then Tonasket to meet with them & DNR & USFS. Will leave after exec session.

AL – has **letter from AG responding about “Consortium” issue over ordinary high water determination.** Exact content is confidential and are still waiting for F & W response.

9:20 SK – Exec Session, Performance about Public Employee. BOCC, AL & HR (Debbie).
10:10 Return from Exec Session – RC & SK. (JD departs for Range meeting.)

MISC.

SK – received invitation from Governor's office to be on a fire panel. Did RC receive same? RC – Melissa from Governor's office did contact, RC said yea, did not hear more. Panel is Apr. 8, 4 – 8 pm at Brewster HS, 503 S. 7th, Brewster. There will be an intro, panels on Resilient Forests, Fire Adapted Communities and an Open Comment session and more. RC wants Mike to attend, 911 Crisis, and be part of the panel. Panel will make recommendations about dealing with fires. Also Contract Fire Fighters will be involved. RC – anyone from Rural Fire? – Don't know. SK – need to get a list of the points that “we” want to get across. RC – says he has gone over and over with a variety of state people. RC – wants tools and ability for local fire fighters & contract fighters to get on IA. Also to train with various agencies so there is a plan in place for future. For forest health sake wants to get brush and old stuff out and logging. Fire Wise program is goal of this. Gary from DNR relayed position about ability to get in and combat fires. SK – need to refine message on fire / forest issues to be consistent and concise. Fire meeting with dan Newhouse

– 3/31 next Thursday, 6 pm (Get HS students out?). There is a political gathering earlier at Breadline (4pm) as a fund raiser.

Facilities & Grounds Mgr.

SK – wants a job position to be a contract instead of an employee. *(This is new Facilities Manager at Fair Grounds. Contract gives more BOCC control; keeps union, control & turf issues off the table)* Discussion of a resolution authorizing this position and temporarily moving from a $\frac{3}{4}$ position to full time while a number of projects going on. Position to be reviewed before 12/31 if need to keep at full time. Asking LJ where funding in the budget – Agriplex? LJ – under facilities. SK - are there performance issues that need to be discussed in exec session? Wants an appointed Dept. head contract instead of a County employee.

MISC.

At 11:30 Ben Rough from PW will be at BOCC meeting. *(New PW Administrator – PW was split into Engineering with Josh Thompson and Administration. Ben has transferred over from Planning to fill the role. There has been some ongoing concern on the part of BOCC about some workings at PW and this was done to address these concerns.)*

10:45 SK Exec session for performance of a Public Employee. –Kathleen from HS, LJ & BOCC, 15 min.

Facilities & Grounds Mgr.

11:02 SK will hold off on Facilities Mgr & Grounds resolution until Wed. will language is adjusted to be a contract position with specific language spelling benefits. Position is OK under interim resolution 22-2016, passed with modifications discussed.

MISC.

SK - 2:15 Sen. Murray staff person on Wed.? Unsure on content of meeting but maybe just touching base.

SK – Food purchase for Superior Ct. business luncheon on Consent Agenda. This was not OKed last week. Why back on Consent now?

PasaytenPeak Land Exchange

LJ – need to have a resolution on Pasayten Peak land exchange, this from PH. John Hayes changed some wording and now back to BOCC. Has been OKed from Rec Commission. Proclamation needed when government land is conveyed that not giving up needed land and land to be acquired is needed for County. Res. 20 – 2016 (Mazama area – Pasayten Peak LLC), approved. Foreseeable need - a parking lot & additional safety.

11:24 Ben Rough (BR), New PW Administrator arrives.

MISC.

SK – sent email to Dennis Rabidou. Wants same info as he sent to Community Coalition about actual costs for Juvenile Detention for 2015. Dennis is ill right now and will get back on this.

Discussion of washout on Columbia River Rd on Reservation near Omak Lake.

PW Admin. Session

11:35 BR – requests Exec Session – 15 min., performance of a public employee.

- **Union neg. & mediation conference** on 4/23 & 14 with Rocky. What level of oversight should BR have in role or not? SK – Rocky is fully aware, BR to be involved so he understands what is taking place. Need to meet with Rocky ahead of time. BOCC have not been in compliance with contracts in the past. BR needs to know so he can make & enforce contracts.
- **Review of contracting out costs in shop.** (See handout). \$31,700 extra in using outside contracting. Looking at differences between inhouse vs outside. *(Always a concern about capacity and capability when thinking inhouse)* – Does not cover hauling costs & labor and extra vehicle to deliver. SK – looking for how to compare true costs, there are some overhead costs inhouse that are not a visible in numbers while outside costs are billed and easy to account for. SK – arguing County costs do not include such overhead costs and hard to compare.
- **Summer temp employees** – doubtful that can find qualified people due to lack of experience. SK – if job description and qualifications needs exceed abilities of locals maybe need to look at more trainee positions? BR – need to get through interviews and see. “Jerry” seems more optimistic than what BR relays.
- **Temp job postings ended for landfill** this week, will interview ext week. Road Crew not out yet. Wants to post **summer Flagger**s at an above minimum step 1 – post step 2 to attract applicants. SK – what about contracting out flaggers and that cost? BR – don’t know, would be difficult to implement for this year due to delays in contracting process but will look into this. Wants to get advertisement out to start process. SK – no until she has enough info to decide what they are going to do & cost. BR will report back ASAP.

(Ed note: notice below apparent conflict between BOCC and new Public Works admin Ben Rough as to including relatively new roads engineer (Josh) in review of ownership/vacation of roads.)

- **Road log & JT.** Verlene: How does BOCC want them to deliver info? Wants to present along with Josh Thompson (JT) not during just BR session. RC – not sure why JT needs to be in session. BR feel JT knows details better, RC disagrees. Points out Leader Lake Rd as an example where JT was not as knowledgeable as possible. SK – BOCC also responsible fore decisions so need to hear from Verlene to get history, legalities. RC – wants Verlene to go through info without interference then JT can weigh in separately. Concern about roads that were removed or added to system improperly in the past. RC &

SK concerned that JT may be influencing process. BR defending need for JT being there. Verlene is well along and not being influenced or directed in BR's eyes. Feels that what is being done is OK. RC & SK want Verlene to present without JT presence – this will happen next week in BR session.

- **Grant accountability.** Working with the auditor's office to get ahead of process to make sure PW is in compliance. Auditor working well with state and PW to make this happen. **USFS 4200 Rd** – working on letter. Almost done.
- **DRS Penalties.** SK – some penalties are in the works from DRS, in the past, retired workers have done more hours than allowed by law. This will be a monetary fine on county. BR aware of DRS issue. This was an error in the past and process is now in place to prevent this happening again.

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12:40 Lunch

Grow Ops. MARIJUANA (Discussion over lunch break?)

1:23 SK – asking PH about visiting a Grow Op and if this would influence Planning Code Review. PH – no problem in terms of law. Will not be part of record. PH – politically should get as broad or as many views as possible. If this is part of permitting process must not get involved. Should look at a “good” Op as well as a poorly rung Op. Discussion of where Grow Ops are located – maybe not in a SK district.

1:30 PH Regular Planning session - PH; RC & SK, LJ also.

Methow water

Methow Watershed Council did meet on in stream flow rule revision issue. Informed MWC that Planning would staff the process. Advised them of concept of Early Winters water transfer downstream and Class A systems. MWC wanted a more specific direction on what a Class A system is. RC – there are a few location acting as a Class A system without proper approval. PH – would be best to make sure all are outside of interruptible water rights. RC – take care of ones that exist. PH – will go back and then to MWC. That will get past interruptible issue but not expansion of systems. Ph – question of Watershed Foundation – BOCC not interested in Foundation fund raising to further process. MWC has not staff or funding of its own. MWC is pursuing some grants. SK – questions how this group is able to get grants. PH – have been getting grants under auspices of other agencies or groups. PH – will take back BOCC info & look at scope of work to be accomplished and about Class A systems that are not currently without guaranteed water. (*Ed Note: Methow Watershed Council has been operating without funding for quite awhile now. Considering BOCC notes, BOCC has not been exactly supportive of their important work. Their ASPECT study highlighted a huge water shortage in the Lower Reach of the Methow watershed. MVC has organized the Watershed Foundation so they can apply for grants.*)

CLEAN WATER ACT - WOTUS (WATERS OF THE UNITED STATES)

Corps of Engineers, DNR, DOE, EPA Mtg on WOTUS (*Water of the United States rule that all waters that enter navigable streams are under DOE jurisdiction who may pass jurisdiction to other agencies. BOCC sees this as a big extension and rights grab on the part of government*) This would extend Clean Water Act to a lot more areas. Point of the meeting was to introduce County new rules and jurisdiction extension. BOCC sent letter of concern and desire for coordination. No response on letter to date. DOE has one action of enforcement on Lake Osoyoos over bulkhead and requiring removal. PH is not aware of any real enforcement under the new rules. There is some limited talk but no action to date. **RC – if no coordination then County can do what it wants without interference.** SK – feels that tribal jurisdiction has been ignored by the DOE under the new rules. The whole language and jurisdiction is under court review of the new rule. SK – only want DOE to come and talk just the same as other agencies. PH feels there is a tension between the various agencies, state and various Federal. This tension has not been resolved. DOE is concerned about quality and quantity of water in nature, not water systems. DNR has jurisdiction over “natural streams” within state. Feds are claiming their rights under WOTUS. F&W also involved with hydraulic permits. PH – will prepare a letter to Corp of Eng. Many questions are unanswered, concerns over WOTUS, other outstanding issues. PH – the tradition is of Fed. Jurisdiction was navigable waters & adjacent wetlands. Now pushed out jurisdiction to include jurisdiction over all tributaries. Several years ago Corps of Engineers passed on an enforcement due to lack of connectivity to navigable stream, issue went to state DOE for enforcement. Navigable water rule was based on potential commerce, not final until it is adjudicated. Always are arguable issues.

JARPA – Joint Aquatic Resource process application. JARPA is one application that goes to multiple state and federal agencies. Many agencies now wanting special, separate applications. JARPA no longer useful? PH has feeling JARPA is of little value. Really need to go to individual state and federal agencies to find out what needs to be done. Perhaps bring up to legislature so they are aware of issue. PH will review JARPA language and advise.

Fire Salvage sales – West Fork not going back out, Loup Loup is withdrawn. RC – Loup Loup sale had no real value due to decline in value, when surveyed not enough merchantable fir to offset poor pine value. SK – concern that process to get SEPA and other surveys get in the way of harvest and then County loses opportunity for revenue. PH – not sure that SEPA was the problem. RC – concerned that even with fire experience there is no fast process to get a timely harvest. Blamed change on Spotted Owl. SK – why a specific Loomis harvest was done at a loss, why not West Fork or Loup Loup? RC – currently infrastructure; mills, yards, others are full or tied up so no capacity. (*In many ways the argument or discussion gets down to logging without laws when in a fire emergency. BOCC wants to suspend most rules during emergencies. Of course this accepts or ignores all harm, need for planning or anything. Also ignores lack of personnel, capacity in agencies due to lack of funding imposed by legislature or Congress which primarily the product of Republican efforts. Just get the harvest to get the revenue even if results in a loss to other agencies.*) PH brought this up to ask what BOCC wants him to do, look for ways to speed up the timeline? (*This is a push for BOCC to get \$ from harvest and get jobs. Short term gain at the expense of long term loss.*). PH – will do some research.

USFS – notice of an advisory committee on the update of Ok-Wen Forest Plan Revision is 3/22. This was a notice in the Wenatchee World and was seen by an employee in the Planning Dept. and given to PH. PH – will send a letter about the multiple requests for coordination and information from BOCC. BOCC will consider sending a representative to voice concern about this committee forming and meeting without any notice to BOCC. (This begs the question that the BOCC continual time-consuming strategy of demanding coordination at every turn might be utterly ineffectual and being disregarded. May need to recognize complete non-success of the process and direction of BOCC in their dealings with Fed & State agencies. This turn of events really upset the BOCC due to the obvious snubbing by the USFS.)

PH looking to hire Planner 1 to train up to higher skill process.

Capital facilities – facility manager update, need to get out bid packages for restrooms. *(PH has brought these items before and some is redundant to BOCC actions earlier in day. Feels like PH & Planning is falling more and more behind. Takes on letters and tasks and not getting caught up. Notice the number of letters and actions in today's notes. Items keep reappearing on agenda and indication of needing to be followed up on or needs attention.)* Upcoming Fairground Grandstand project – need to get budget, what it looks like, etc. Jones Hall needs to get done this early this summer.

Jail Project – Douglas Co. is not willing to put in \$ towards ceiling project but maybe in other costs. SK – need to look at changes to daily rate for beds County charges, as Douglas Co. would be willing to fund in this way so they have no capital costs so no ownership of facilities. If County went ahead and paid for ceiling project then Douglas CO. would likely pay for video & tech. upgrades for videoconferencing with prisoners that they need. SK - \$ from daily rate have not been set aside for repair, maintenance & upgrades over the years. This has been what got County into current situation. This needs to be done across the board for all outside of area bed usage. PH – what does BOCC want to do today moving ahead? RC - liability out there needs to be addressed, get this fixed. SK – funding was ID'ed in the facility plan. SK – can come out of Sheriff's? Or Jail? There are some unfilled positions where there would be some savings that could be transferred. It maybe possible to transfer the \$ from those two sources. PH – will check into this and other possible sources. REET (Real Estate Excise Tax) set an example. Can move ahead if PH can find and ID funding sources. PH will work on that.

Ameresco project on heating and cooling – they will negotiate with local well drillers. One more attempt at a good well for project by Ameresco with local drillers and then we will see.

Oroville EMS – Currently are in an interim contract with Lifeline that is cost + 10%, the negotiated agreement would be less. Last agreement was 81% rural, 129% city and was based on levy collections. Calls are 60% city and 40 % rural. Problem is the ownership of ambulance building and ambulances, this must be considered in any agreement and distribution of costs. County can't subsidize Oroville, costs due to law. Lifeline is operating the ambulance. Only issue is how costs

are split out. PH now says city and rural split is 50/50 more or less. Under Lifeline only cost issue is fuel as wages are paid regardless unlike a volunteer model. What does BOSS want for a cost allocation? SK – wants Oroville to make separate agreement with Lifeline. County will pay for rural share of cost. PH – Lifeline has negotiated a flat rate of \$12, 100 a month with a three way contract; County, Oroville & Lifeline. Only issue is how to split out costs. Lifeline uses Oroville ambulances – at least partially Oroville ownership. Rural is paying some share of ambulances. Chris B. & PH are trying to figure out split of ownership. SK – lack of records and history to sort out what is happening is ongoing problem in many things in county. This is a consistent problem. RC – need to ask what Lifeline would charge for 2 separate agreements; Oroville – Lifeline, County – Lifeline, not a 3 party agreement. New inter-local agreement over building & ambulances would need to be negotiated. Ph will review all previous Oroville discussions.

3:45 JD arrives.

Whistler Canyon – D. Taber, purchased unneeded farm land of original land, has asked if County would be willing to sell more of the farmland. Mostly to get more water. Water right already has been transferred. BOCC says to ask Taber to make an offer that reflects no water situation.

FEMA - reimbursements – PW expenses paperwork has been submitted.

East Lake Osoyoos Sewer project – A discussion of budget categories and number of projects paid out of fund that also supports East Lake project. There is a concern that County has to watch costs carefully. The need is to cover loan costs from project that aren't being paid due to lack of connection fees resulting from economic downturn and falling Canadian dollar. This was an unforeseen problem that the county is covering. There are currently 2 loan payments available in reserve in the Infrastructure fund for this purpose.

4:05 Note taker left for next appointment.