

BOARD OF OKANOGAN COUNTY COMMISSIONERS
07/17/2017

In Attendance at Meeting:

Jim DeTro- JD (BOCC)
Andy Hover - AH (BOCC)
Chris Branch - CB (BOCC)
Lalena Johns - LJ (County Clerk)
Perry Huston - PH (Administrator & Planning Director)
Angie Hubbard - AHu (Planning Department)
Char Schumaker - CS (Planning Department)
Dan Higbee- DB (Building)
Albert Lin - AL (Deputy Assistant Prosecutor)
Traci Walker - TW (State Auditor's Office)
Dmitriy Turchik - DT (State Auditor's Office)
Brian - B (Member of the public)
Ann Fagerlie - AF (Okanogan Conservation District)

These notes have been taken by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) The notes have been taken as close to verbatim as possible, with any writer's comments or explanations in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Summary of significant discussions

Tonasket EMS - State Auditor's exit interview

Two staff from the State Auditor's office reviewed their findings from the audit of the Tonasket EMS. Problems revealed by the audit have either been resolved or become moot when the contract with Lifeline for emergency services take effect. Problems have included tracking of assets and payroll. The next audit will occur in 2019 and will cover the 2017 - 2018 period.

Lake Management District

The commissioners discussed the administration of weed control activities in the event that the district is formed. PH has studied the governing statute and believes that the commissioners will be the board of the district. PH recommends that the commissioners contract with the Noxious Weed Board, if they are willing to undertake the work. He is not

sure that they will be. All agree that they want to avoid the problems that the auditors found with the Tonasket EMS.

OCC 20/Hirst

PH is revising the decision packet provided to individuals seeking a building permit that would use a new exempt well. There was a lengthy discussion on the question of whether agriculture-only lots can be subdivided without going through the process for subdivision required for lots that allow for residential development. Evidently, every 5 years, ag-only parcels can be split, with one new parcel becoming eligible for an exempt well. The commissioners agreed to have PH develop an interpretation of existing code, for their review, that would allow such subdivision where there was no proposed change to water usage. B also questioned whether existing short plats with 2-party connections would be allowed. PH indicated that the county is honoring such arrangements that have been vested by the Department of Ecology. Apparently, all others are required to go through the Hearings Examiner.

Misc.

PH, at JD's direction, is developing a PowerPoint slide show detailing the county's issues related to federal lands to present to the Secretaries of Agriculture and the Interior, if they visit this area.

1:30 Exit Interview - Tonasket EMS

TW - Appreciate that you took care of our recommendations & resolved issues. 2015-16 period. Management letter over payroll, if you have a payroll in the future. Move on to report. Accountability report should be issued in the next couple of weeks. Audit results - no big issues, other than the items we talked about. (*lists items, too fast*). Findings on page 6. Issue is that district did not have list of assets when you brought in service provider - how can you know if all the assets are there? Found that a few items listed as purchases were not there. Not good tracking. Recommendation is that you get that list together (Perry & Roxie did that). Estimate the value of those assets (some surplussed), then you can be accountable. P. 10 lists criteria. P. 11 - Prior audit's findings & how those were resolved. P. 12, info about district that goes into the report. Let us know if there are inaccuracies. P. 13.

CB - (*question about the list; DT answers about how the list was assembled.*)

PH - We went to look at what was supposed to be there, instead of just listing what we found (*example: battery charger was missing*)

CB - Were a good many of those a small, attractive item?

PH - Most of them.

Lori - Kind of a mix (*cites missing ambulance*)

D - Some of them could have been surplused for a valid reason, but without a list it is hard to tell.

AH - Do they have inventory tracking programs? (yes)

LJ - EDEN.

L - You shouldn't need one going forward. They do take time; volunteers don't always want to do that.

PH - Learning from this. We will have a good discussion about the Lake Management District. Make sure we don't repeat history.

L - Payroll. Records and processing. Won't be included in report because no employees as of August. Missing information, no review; May & June missing, \$27,000; couldn't track. Jan -

(?) no on-call tracking; \$63,000. \$100,000 of payroll out of \$170,000 total that couldn't be tested.

CB - *(inaudible question)*

L - On-call tracking - \$3 - \$4 per hour. A couple of small, rounding errors. Recommend detailed independent review and tracking if you ever do payroll again. Expedited recommendations - about lack of support. Duplicate payment for utility services that never got caught. Make sure you have good controls in place, so they aren't making payment that they shouldn't. Fund balance doesn't make any sense (*beginning, ending, auditor's info inconsistencies*). We provide information to legislature.

D - Any questions? (*no*) P2, report ready to publish in about 2 weeks; will email 2 days before release. Costs - approximately \$9,400 (*including additional cost from payroll work*).

Appreciate feedback. New auditor, changing the way the office is working. Any feedback is appreciated. Next audit in 2019, for FY 17-18.

L - Should only be about 20 hours.

CB - *(something about the charge)*

(multiple conversations)

DT - *(too rapid to record)*

L - Any questions? (*no*)

1:55 End of exit interview (*subsequent informal conversation about the pitfalls of volunteer organizations*)

PH - Revised agreement with Lifeline. They have it.

L - Rep letter needs to be signed. Left it with Perry. Commissioner needs to sign it.

PH (*presents vouchers to commissioners; they read and approve.*)

2:00 pm Commissioners adjourn Tonasket EMS board and reconvene as BOCC

PH - AL should be here in a few minutes. Need an executive session to address pending and current litigation. SMP discussion is tomorrow. Anything else we need to bring? (*maps*)

CB - Need to know where we left off.

PH - Use chart. AHu will go over the list of things this map generated. Think we have dealt with most of them. I can tell Lennard that this phase is done.

AH - Only thing left is distances (*referring to setbacks and vegetation conservation areas*)

CB - Did you discuss the rural subdivision issue?

AH - We are the only county that has that. What is your question?

CB - Did you discuss it?

AH - Not really. Have thought about it. Think we can get something as good or better, with zoning.

CB - *(inaudible)*

AH - Designations.

CB - Our comfort level with designations. Designations should provide same level of protection as now, with the subdivision rule.

AH - Don't have time to go through.

CB - Not promoting any particular change; need to address comments.

AH - Agree.

Update - Planning

Voluntary Stewardship Program (VSP) Update

PH - VSP contract. Remind us that they will cover no expenses from the expiration of the last contract until the beginning of the new one. Put everything on hold. Don't have anyone to

negotiate a new contract with. Sounds like what we were expecting is pretty much what we will get. Want to make sure we don't spend anything out of the ordinary.

PH - (*changing subjects*) Joe Poland (*too rapid*).
(*discussion of what fund to pay from for recording easement for new pipes. \$60 - \$80*)

Tax Title Property

PH - Still waiting for proposal. Could provide right-of-way; tidy this thing up.

Lake Management District

PH - Public meeting on the 26th. Getting some phone calls. Some people wonder why we aren't having it in Oroville. If you have any inclination, you might want to continue it to a site in Oroville; I can arrange that.

CB - That would be appropriate.

AH - Agree.

CB (*inaudible*)

PH - (*too rapid*)

AH - In the evening, when working people can attend? (*agreed*)

CB - For me, Monday or Tuesday would work best. Already over here.

CB - Monday would work better (*Council meeting on Tuesdays*)

PH - I will see about setting that up. Noxious weed board. Discussion about them operating within district. They are not chomping at bit to take it on. If they are not interested, we need to figure out how to administer this thing. Auditor will want to know. I interpret the statute such that you are the board. Junior taxing district with 5 year lifespan, \$180,000. Contract out everything and you don't have to maintain an inventory.

JD - They are going to be working closely with (*too rapid*)

PH - If they are willing to take it on, that would be my recommendation.

CB - (*inaudible question*)

AL arrives

PH - Suggest 40 minute executive session for pending and potential litigation. Suggest we invite Dan Higbee (*Building Department*).

2:15 Moved, seconded, passed; commissioners and others leave the room.

3:10 Commissioners return from Executive Session

OCC 20/Hirst

PH - Revising the decision packet, adding detail, in response to requests in public hearing.

Ag-only lots short plats (*continuing discussion from last week*). Additional exempt wells go before Hearings Examiner. You could put a restriction to not allow additional residence/exempt well without going through process. If you want to go ahead with that, I can prepare documents.

CB - (*rapid question*)

PH - We actually have one of those. Split off new ag-only parcel.

AH - Trying to think if that actually works because, if I want to sell 4 20-acre horse pastures to somebody. They know they won't be able to put in an exempt well. All that is doing is taking a large piece of property, breaking into several pieces with no change to water use. Probably take a hit on value. In order to switch that back and be able to build a house on it, you would

have to go through the same exact process we are going through now. Post-2002, Campbell-Gwinn, only one withdrawal.

PH - One fifth of one withdrawal. They can have their own well, but we would have to take the 5,000 gallons per day (gpd) and divide it by 5.

AH - But if you take 1,000 acres and divide it into 20's... not enough water.

B - (*too rapid*) Don't have to go back through the platting process.

PH - Have to make sure of adequate provisions for potable water. Creation of lots greater than 5 acres... You have two categories on the list. Treating exempt segregations under same banner as we do short plats. Whatcom/Hirst raises questions whether we can do that. Disconnect (*cites many rulings, etc*). Two subjects: ag only/short plats. Public hearing if you do more than 4 lots. Now, under Title 20, every short plat goes to public hearing.

AH - Want to play Devil's Advocate, get it all out. 1,000 acres, 3 - 20's and 940. Ag exempt. Then sell 940, and that person wants to do 3 - 20's. Can I do that?

PH - Every 5 years, for ag-exempt.

AH - Every 5 years, each person could get those exempt wells?

PH - Ecology would weigh in.

AH - If we say the maximum is limited by the total amount available under an exempt well.

PH - We are using Aspect's study. 750 gpd. State doesn't rely on that. You only get 11. That's how we arrived at that. We are using Aspect's study, debiting from the 2 cfs (*water available for development from each of the Methow River's 7 reaches*).

AH - How about over here?

PH - Exempt wells are not affected by instream flow rule. Aspect says 200 gpd in-house use.

AH - Metering?

PH - (*too rapid to record*)

JD - You'd be hard-pressed to use 200 gpd.

AH - Meter still running, whether in-house or outside use. Trying to set us up for success.

Brian - Who is policing this, you or the DOE?

CB - If you set a rule, who is responsible for enforcing? I say you are.

PH - If we do ag-only lot, to make it work, we would have to make all the lots ag-only, except for vested use. Would have to make it very clear that it was ag-only. Then, if they want to change, they have to apply for a new short-plat. They can get cranky. They don't necessarily read all that. If the commissioners are comfortable with this interpretation, I can go ahead and write it up. Go to your public hearing. If the guy is going to be running an orchard forever...

CB - If I had 80 acres in orchard and a house, I can see no reason for not doing this. But if you are not going to do that. If I thought legislature was going to do something about it, make

the opportunity to convert those lots. If you say, the platting process, you have to go through that, then I understand.

AH - If you have thought through everything, thought through the pitfalls, you avoid the lawsuits. What we do is put in such a manner...

CB - Have to do a good job in record-keeping. Looking at other circumstances. If that is clearly identified....

PH - Sounds like the commissioners are comfortable about that.

CB - Exempt plats - are they subject to the 5-year rule?

PH - In 5817, no. In our code, yes. Whatcom/Hirst makes no such distinction. The exempt (?) one we need more discussion (*rapid discussion of codes, who is responsible for ensuring adequate availability of water*).

B - One more clarification. Just on short plats. Existing wells, existing 2 party connections?

PH - We are honoring those plats that had a water allocation to them. Our interpretation is that it was publicly noticed, hearing, appeal. We are running into a challenge, people are coming in with what they got through Health (*sufficient water, quality*), but they haven't put it to beneficial use. Under Hirst, one parcel subsequent to platting process, we are recognizing well as physical water but they don't have a vested use.

AH - Over here, one thing you can do is require a water meter, provide a limit as to how much they can use.

PH - Problem is that only one user is vested. Some of them had to give up some kind of water right. Ones that only went through Dept of Health process.

Brian - If a person went through that with Health (*Group B system*), and they are now going through a short-plat.

CB - Is your question (*too rapid*)

Brian - Need to talk to Alf. Dropped the ball on a Group B system, 10 years ago. They are not going to expand that. If they are going with less, does that need to go before the Hearing Examiner?

CB - Two lot short plat, planning on using one well. If they back out of the Group B system... They would have to prove that.

(*multiple conversations*)

Brian - Group B system is built but not permitted. Going to a 2-party system. It has been in use.

AH - Two connections?

Brian - Two connections come out of the well. Not sure.

AH - Depends how the system was set up. We have one. Ecology sent us a letter telling us that we had given up a water right.

B - It was never finalized.

AH - Like not having your final building permit.

CB - (*mentions situation on Brewster Flats*)

PH - Pumps and pipes are in the ground. Everything is built out, but nobody's been using the water. Nobody gave up water rights. Now to get water availability (*too rapid*). They are in a whole different line. Outside the normal process. If they have a letter from DOE that they have mitigated, then we are honoring that. With approval from Dept of Health, unless they have been using the water, they go through administrative process.

CB - Water right issue.

PH - Some of that in the Methow. Class A water system, but they are still on exempt wells. We honor that; a decision was made in the past, there is mitigation.

AH - Let's make sure we are talking broad spectrum, not site specific.

PH - We are fine-tuning our interpretation of our own code. (*provides details*) Short plat, but they are using a water right. Didn't go to hearing examiner because they are not proposing an exempt well.

CB - (*too rapid*)

PH - We are on solid ground.

CB - Fair number of orchard lots that were used that way (*around Tonasket Creek*).

Miscellaneous

JD - PowerPoint for Secretaries (*AG & Interior*)?

CB & AH - ???

PH - Working on it. A slide show of the history of our issues.

3:55 End of Planning Department study session. Motion to sign State Auditor's exit letter. Seconded, passed

Discussion/Update WSU Extension Office - Ann Fagerlie.

AF - Update. Food preservationist, canning season. New office manager, sent her to WSU to get training. Certified now, busy with farmer's markets, putting out information.

JD - Testing pressure canners?

AF - Pressure canner test. People can drop by office anytime. Two other food preservationists. Safety. SNAP ed. Presenting food in a way that encourages people to make healthy choices. Swipe cards that provide an extra \$2 of fresh produce per \$5 purchase. Master gardeners, easing out, but busy. New books on weeds. People can come in for help. Just got one certified as an arborist. Working at rose garden at hospital.

CB - Seeing any younger people in the Master Gardeners program?

A - Have 30 on waiting list. I can't train them because I am not faculty. Folks that we have are running out of steam. Hoping we can get help to get these people up and running. Valuable for community. (*too rapid to record all activities being reported*).

4:15 End of discussion; note taker leaves.

