

**RECORD OF THE PROCEEDINGS****OKANOGAN COUNTY****AUGUST 27, 2019**

The Okanogan County Board of Commissioners met in regular session at 123 5th Avenue North, Okanogan, Washington on August 27, 2019, with Chairman, Commissioner Jim DeTro; Vice Chairman, Commissioner Chris Branch; Member, Commissioner Andy Hover, and Laleña Johns, Clerk of the Board, present.

George Thornton, member of the public, taking notes for Okanogan Watch Group.

**Pledge of Allegiance**

The group sited the pledge.

**Commissioners' Staff Meeting**

David Gecas, Stella Columbia and Angie Hubbard

Attorney Gecas said he discussed a jail housing agreement with the Colville Tribes.

The OBHC contract amendment #1 was finally signed by Lisa Apple, it was previously provided to the board for review and appears ready for signature of the board.

**Motion Contract Amendment #1 OBHC Therapeutic Courts & Millage Fund**

Commissioner Branch moved to approve the agreement between Okanogan County and Okanogan Behavioral Health Care regarding the Therapeutic Court fund 143. Motion was seconded, all were in favor, motion carried.

This agreement replaces an expiring contract and provides specifically for county and OBHC interactions regarding the contract.

Attorney Gecas discussed a professional services agreement for conflict attorney services with Mark Carroll. It is for one case.

**Motion Professional Services Agreement-Mark Carroll Conflict Attorney**

Commissioner Branch moved to approve the professional services agreement between the county and Mark Carroll for conflict attorney services. Motion was seconded, all were in favor, motion carried.

Mr. Gecas explained a request regarding property with an easement on it that the land owners wanted to sell to the county for transportation purposes. The landowners felt they might not be able to sell the property with the county easement on it.

Mr. Gecas explained some requested liability language changes suggested in the agreement for microwave communications. He thought the changes would be acceptable by the other party.

Commissioner Branch discussed another situation regarding an easement. Mr. Gecas said we are waiting for DOT to respond on that one.

Commissioner Hover asked how the Oroville Rural EMS Life Line contract should be handled now that the levy passed for the EMS District. The Clerk of the Board will provide the agreement to the Attorney for review and further direction

Ms. Columbia explained general overtime needs to be authorized for this weekend and the week of

the fair.

### **Motion Authorize Fair Temp Staff Overtime**

Commissioner Hover moved to authorize fair temp staff overtime for the next two weeks in preparation of the fair. Motion was seconded, all were in favor, motion carried.

The pig barn would like a place to put there items to be locked up. It was suggested they would like to build a small office building that is built on skids so it can be moved. It can be placed behind the auctioneer booth so they can keep an eye it during fair. The commissioners want to ensure the building is movable. The Clerk of the Board stated the Little Red Barn and the Cattlewomen have an MOU for use of that building and suggested a similar arrangement for this.

Ms. Columbia noted that she has provided most of the fair contracts for signature. There are a few she is still waiting for. It looks like the vendor spaces are all full and no more are being accepted. There is only one space left in the Agriplex. The entry on the south end is about ready. The mural is half done to be completed soon.

Ms. Hubbard provided her staff report. George Thornton gave his report regarding a meeting he attended, although he isn't staff.

### **Executive Session RCW 42.30.110(1)(i)**

Commissioner Hover moved to go into executive session at 9:30 a.m. for 20 minutes inviting attorney David Gecas to discussed legal matters to which the county may or may not be a party. Motion was seconded, all were in favor, motion carried.

Executive session ended at 9:50 a.m. no decisions were made.

Jennifer Ward arrived at 9:45 a.m., member of the public, taking hand written notes.

### **Update - Human Resources/Risk Management – Tanya Craig**

Ms. Craig updated the board on a fair vendor request who wants to vend knives. They would need to have liability insurance. Commissioner Branch explained his concern about the size and type of knife being vended. Commissioner Hover asked if we would define the size and type of knife to only small hunting knives that either fold or have a 6 inch sheath. Is the vendor checking the age of those purchasing a knife? Kids can buy knives at Walmart and Feed Store, so why would we do that? Ms. Craig said her only concern is if children are purchasing the knives without the parent's knowledge. Can an agreement be drawn up to establish an age limit and knife size? Commissioner Hover is torn, because this type of vendor brings diversity to the fairgrounds to sell things. He sees the point of not allowing children to purchase knives. Any person walking through the fair gates has a knife, though. George Thornton said seeing large knives at the fair changes the feeling at the fair. Ms. Craig will discuss the concerns with the vendor and get more detail about the inventory they have. Commissioner Branch explained farmers markets also sell custom knives that are various sizes.

### **Executive Session RCW 42.30.110(1)(g)**

Commissioner Branch moved to go into executive session at 10:15 a.m. for 10 minutes to discuss the performance of a public employee and invited Tanya Craig. Motion was seconded, all were in favor, motion carried.

Executive session ended at 10:25 a.m. no decisions have been made.

Commissioner DeTro explained he appreciates the fact the staff in this office takes seriously the provision of professional service.

Commissioner Branch said he would like to go over the department head list and discuss multi-year contracts.

## **Discussion – Personnel Manual Exception Request – Prosecutor Arian Noma**

Tanya Craig

Prosecutor Noma explained he would like to solicit employment applications from attorneys when he doesn't have an opening. He asked that the Board to waiver from the personnel policy and allow him to solicit resumes so he can have a bank of resumes. He explained the complications he experienced in filling prior positions. One way is to constantly vet new people with talent, but under the current rules he cannot do that. He believes this could be a special resolution because it doesn't create nepotism, only qualified attorneys would be considered. He doesn't believe he would create a disadvantage in another office if this request was granted. How would he advertise for the resumes, he would use the county website and only keep the resumes for one year, or he could start his own website. In an effort to anticipate future opening he feels it is beneficial to review applications well ahead of time.

Commissioner Hover asked how other attorneys in his office would feel about the solicitation and then when someone well qualified submits an unsolicited resume how would those other employees feel. He said the work load and office moral just cannot afford it.

Commissioner Hover asked what the difference was between soliciting for an open position and keeping all the resumes from that solicitation in file after the position is filled. Mr. Noma said the state trend has changed and there are many more vacancies across the state. He said he is looking for the best and brightest applicants. Ms. Craig explained the policy currently in place we have never allowed the advertising of positions that we do not have vacancies for as the cost to advertise is high. The county has not historically supported this type of request. Commissioner Branch asked if the intent of having a bank of resumes was to figure out what those resumes in the drawer does for him even if he still has to advertise an open position. Mr. Noma said if he has a draw of resumes he has a starting point, because it can take up to three months to fill. He is looking for interest in legal jobs, if you are interested we'll take your resume and look at it, then after one year they would need to resubmit. If there is a vacancy, the office does reach out to those they know of and ask if they are interested in applying. This is sort of like a request for qualifications and then do we make an acceptance. We can take unsolicited resumes. The board would need to consider a change in the policy.

Mr. Noma would like to be able to solicit employment applications so he can have a selection of resumes built up so that should a position becomes vacant he can draw from those applications equally and have those on deck. Commissioner Branch said he has seen on other county websites a note stating that.

The concern in the past was the cost of advertising and would not increase the advertising budget. If a policy change is done, then it should be universal and available to all departments.

Commissioner Hover read the policy and explained that resumes may be different than applications. Being an attorney is a specialized job like an engineer is. How would changing the policy affect other departments? He wants to see employees work well with their department heads and not feel threatened that we expect them to attain something they don't have in order to keep their job from going to someone who submitted a better resume with more attractive skill.

Commissioner Branch moved to continue this discussion to next week Tuesday. Motion was seconded,

## **Public Hearing – 6 Year Transportation Plan – Jo Ann Stansbury**

Josh Thomson was present.

Commissioner DeTro opened up the hearing to staff report.

Ms. Stansbury gave her staff report. There are 19 projects noted in the report and the bridge inspections as required. SEPA was submitted on 7/10.

Of the 19 projects, most have secured funding and are under contract and there is quite a process if we wanted to change the scope.

Commissioner DeTro opened up to public comment, seeing no one to comment, He closed public comment and opened up to the board.

Commissioner Hover asked if funding stream could fund multiple projects do we have a choice which is priority. Engineer Thomson said he hasn't been prioritizing those as presented. The projects are already in the system, so the new projects are added.

### **Motion Resolution 110- 2019 Six Year Transportation Program**

Commissioner Branch moved to approve resolution 112-2019 adopting the county's six year transportation program 2020 through 2025. Motion was seconded, all were in favor, motion carried.

### **Update – Public Works – County Engineer, Josh Thomson**

Kent Kovalenko was present.

Commissioner Hover asked about the Revenue expenditure analysis and whether he saw a negative \$1.4 million dollars. Engineer Thomson said there are no sources of revenue that are going up, and expenses are going up faster than the revenue. There are few things he can do like use STP funds for chip seal, right now they are not funded, but he does have them in the plan, twice. That is one way to reduce the burden on the county. The impacts happen on our roads less from people and more due to weather. He explained capital purchases that we really need, but can be taken off easily.

### *Maintenance & Road Conditions*

Engineer Thomson said he is using the Durapatcher. It is a mobile chip sealer and right now we are renting one from city of Ellensburg.

Complaints about watering the county road have been coming in regularly. Rodeo Trail road is especially dangerous and goes twenty feet beyond the road on a pivot, and is a very big spray causing a safety concern. The remedy includes taking the individual to court. The person has been spoken to but they do not appear to care. The fine is \$100 and they must go to court. Commissioner Hover believes there should be discretion, but if the person is blatantly watering the road, then he doesn't know. Commissioner DeTro asked if the state road department has been contacted on what they do. They do not tolerate watering their road. Commissioner Branch discussed creating a good record in case an accident happens. If we had in the ordinance an infraction that is \$100 without a big court ordeal, but then ramp up the consequences after that. He suggested changing language to infraction from a misdemeanor over a fine.

Mr. Kovalenko said if water is regulated by DOE then someone who is not watering what is intended to be watered why not contact DOE about the wasteful use of water and that may be what the state is doing. Engineer Thomson will put a letter together and send it to everyone who is watering the road. He will use discretion knowing that wind can be a factor.

### *Ellisforde Contract Extension*

The contractor would like to renew the contract. The change of ownership language was amended to put the county in line for reversion. The WAC codes addressed landfill so that was changed to include Transfer Station codes. The contract allows extension and the business is a benefit to the county.

### *Washington Invasive Species*

Washington Invasive Species is creating a play book that will be published regarding these weeds. It will be good PR for the county.

#### *Twisp Scale Replacement*

This is scheduled for September 9.

#### *Product Stewardship for Paint (DOE)*

There is a new house bill 1652 regarding product stewardship. Mr. Kovalenko explained the processors will now need to charge a fee for those materials. He will be attending a workshop where things will be clarified. For MRW facilities we could be a collection site or any other business, but he'll know more after the meeting.

#### *DOE Air Quality Grant*

Chipping work will be difficult to supply employees especially over the weekend. Mr. Kovalenko explained air quality has become such an issue DOE is reaching out for some options and will sit down to discuss the program.

#### *Peter Dan Rd-Slide repair project*

The major slide repair was done last year and there are some sloughing happening. Meeting with contractor to see what material will work. Construction in late September early October so there can be some seeding done too.

#### *Salmon Cr Rd*

Just meeting with PUD on site to ensure everyone is on the same page with the design and to create a path forward.

The Petition to vacate a 100 year old plat in the town of Methow was received several weeks ago. Engineer Thomson explained Okanogan County Code 12.9 provides the language regarding vacations of plats 100% appraised value based on land value.

He spoke to the petitioner about Okanogan County Code 12.9 that says in part when platted roads are vacated the owner benefiting from the vacation must pay for the land being vacated and there is several acres worth of road to be vacated. The owner owns most of the property around the proposed vacations.

#### *CCT Road list*

Engineer Thomson discussed the list will include county roads.

#### *Edelweiss Sewer System-Rates*

We did not get the PWTFM for the work so he would like to look into increasing the rates to put funds away to pay for the issues. Developed lots are charged full cost, and undeveloped lots are charged half. There are many owners up there that own two lots and get charged for one undeveloped lot and one developed lot, but some have combined their parcels thereby decreasing the revenue to the county.

Looking into purchasing policy. MRSC is a good tool for different purchasing. It breaks into three types of purchasing formal, informal, and minimal competition. Each level has its own requirements. Consider allowing department heads to award up to a certain amount if in current budget. Up to \$40,000 a department can call one vendor, above that amount an informal process must be used.

Engineer Thomson asked for clarification on purchasing items that are previously authorized by the board. He would like to specifically cover that in the policy. The process needs to be clarified for each type of purchase.

Use of the vendor list was discussed. The requirements of posting the purchases and recording the solicitation be the written record and must be kept. Definitions will be used at the top of the policy. The commissioners would like to see a preview of the policy prior to it going to department heads.

### **Citizens Comment Period – may call in at 509-422-7100**

George Thornton discussed TV District #1. KSPS was requested to provide some numbers on the infrastructure. Commissioner Branch said he discussed the district with the Public Works Board representative of the Infrastructure Assistance Coordinating Committee but is waiting for the district to identify the details of the infrastructure needs.

Knowing there might be some time this afternoon, Treasurer McCormack informed the commissioners that Communications District #1 came to her last week and wanted her office to bill everyone that had been previously exempted and create an entirely new billing with everyone on it then turn around and take them off for those exempted. She is getting complaints with the reduced channels the district is providing and wondered how to address this. She needs a 2020 roll by November.

Commissioner Branch said the district is working through several issues. She said KSPS wanted to know exactly what the district's income is. Thornton said to his understanding of the contract, was that it is for three years. He said the district is in a bad spot. Leah McCormack said we are charging for a service that people aren't getting. Mr. Thornton said a notice went in the newspaper but he wasn't sure which paper. The district is working on it. She has been receiving phone calls from people who have paid their assessment wondering where the channels are. Mr. Thornton said he would flip the magic switch if there was one. Bills have been handed to him from KSPS and the district isn't able to pay. Treasurer McCormack said now we have two months to make a decision on 2020 and she remembers sitting here last April, so she would like to work with the district but we cannot have the indecision and seesaw going back and forth between the different groups for rolls. It is a concern. What are we going to do?

Commissioner Branch said he is helping to get things back on track. There is some infrastructure needs that need to happen so he contacted FCC about the situation and its gathering the potential funders and then who will fund this and that is in October. He contacted Mr. Thornton last week about this in order to obtain a list of infrastructure needs of the district to provide to FCC. At the next TV district meeting, Mr. Thornton said he will go over it with the rest of the board. The exemptions last for three years, instead of picking up people you would be losing them. The other concern Treasurer McCormack has about her office is if this isn't corrected that people will ask for a refund. George asked if it was legal to refuse a refund. There are some channels out there, there is one, it is just that the others have diminished.

### **Public Hearing – CDBG Housing Rehab Grant Closeout**

OCCAC Lael Duncan, Executive Director; John Baker, housing rehab project manager

She provided to the commissioners copies of the closeout report and before and after photos of projects completed with the funds. (attached)

Commissioner DeTro opened up the hearing asking for comment from OCCAC. Ms. Duncan introduced John Baker as the housing leader and went out and did the audit of the homes She originally was granted \$500,000 but not able to spend due to the number of unwilling contractors that would meet the required paperwork and prevailing wage. At one point a crew was hired and advertised numerous places. It seems to be a trend across the state with securing building contractors. The money is in Chelan and Wenatchee and so they are building there. She hopes an apprenticeship program may help in the future. \$367,303.91 was spent of the grant award and it served 12 low income families. It is important to consider that while the improvements were made to local housing, using local workers, and infusion into the local economy. Those housing units are now more likely to sustain themselves for many more years.

John Baker was brought to help answer any technical questions the board may have. They did find the change in requirement of Commerce was fairly onerous in terms of the kind of documentation. She said she had all the documentation, but to provide copies of every single one is quite time consuming. John said most contractors became uninterested in the work once they were informed of the specific requirements of the grant paying them. As soon as he began to discuss with potential contractors about needing to be Certified they never followed up.

Commissioner Hover asked about the amount of funds used for administration versus the funds that went into individual projects. The grant provides a certain amount of administration dollars. There is a bright spot in that OCCAC helped lobby for a rural grant loan program for low income people which can be deferred until the property is sold. OCCAC now has those funds and they will be promoting that program.

Jennifer Ward commented that there is a real need in terms of single family dwellings.

### **Motion**

Commissioner Branch moved approve the Closeout Report for CDBG Housing Rehabilitation Grant No. 16-62210-029 and authorized Commissioner DeTro, to sign the Report. Motion was seconded, all were in favor, motion carried.

### **Motion Resolution 113-2019 Amending Res. 70-2019**

Commissioner Hover moved to approve resolution 113-2019 amending resolution 70-2019 to extend the temporary maintenance technician at the fairgrounds to four months. Motion was seconded, all were in favor, motion carried.

### **Motion Resolution 111-2019 Auditor's Change Box**

Commissioner Branch moved to approve resolution 111-2019 allowing an additional \$200 for the Auditor's change box for a total of \$600. Motion was seconded, all were in favor, motion carried.

### **Motion Resolution 114-2019 Order Fire District #10 Annexation**

Commissioner Branch moved to approve resolution 114-2019 an order annexing lands to Okanogan County Fire District #10. Motion was seconded, all were in favor, motion carried.

### **Approve Commissioners Proceedings of August 5-6 & August 19-20, 2019**

Commissioner Branch moved to approve the August 19 and 20, 2019 meeting minutes, excluding August 5 and 6, 2019 meeting minutes because they were previously approved. Motion was seconded, all were in favor, motion carried.

### **Approve Consent Agenda**

Commissioner Branch moved to approve the consent agenda items 1-7 excluding item number 6 and resolution 107-2019 that was noted on the online agenda by mistake. Motion was seconded, all were in favor, motion carried.

1. Memo-WSU Extension Non-Federal Funds Smith-Lever Act
2. Contract -Criminal Justice Treatment Account Funds-Health Care Authority
3. Reimbursement Request #1-CDBG Public Services Grant-OCCAC
4. Resolution 108-2019 Revised Fairgrounds Fee Schedule
5. Resolution 109-2019 Directing the Engineer to Report on Town of Methow Rd Vacations
6. ~~Resolution 110-2019 Six Year Transportation Improvement Program 2020-2025~~
7. Resolution 112-2019 Authorizing Two Employees to Use Same BARS Code Temporarily CS

Commissioners discussed the draft job description for the Planning Director Position to sort out the requirements of the position without having the same administrative responsibilities the previous

description had noted. Commissioner Hover and Commissioner Branch had a rigorous discussion about whether or not the description should have language in it regarding responsibility of the County's Comprehensive Plan. Commissioners discussed their thoughts of combining the two Planning/Development responsibilities and Administrative Officer responsibilities. Commissioner Branch felt that the combined position seriously compromised the quality of work and noted that much of it was not being done. Without resolving the issue the chair adjourned.

The board adjourned at 3:10 p.m.