

RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

JUNE 2, 2020

The Okanogan County Board of Commissioners met in regular session at 123 5th Avenue North, Okanogan, Washington on June 2, 2020, with Chairman, Commissioner Jim DeTro; Vice Chairman, Commissioner Chris Branch; and Laleña Johns, Clerk of the Board, present.

Member, Commissioner Andy Hover attending remotely.

Update-Superior Court Judge Rawson, Culp and Dennis Rabidou

Dennis Rabidou discussed locations for jury selection that have enough space to provide social distancing for the selection process for a start to finish process. Only one location that has heat and air and amenities. Commissioner Branch asked about the PAC. It is not a location that can be used from start to finish and will be the alternate location. The Forest Service building is really the best location. Mr. Rabidou provided the board with a layout map, but did not provide a copy to the Clerk of the Board. Mr. Rabidou explained the cost was \$16.00 per sq foot for 8700 sq ft. including all amenity costs. Commissioners said that is REALLY high. The county only charges \$0.42 per square foot for commercial office space. Mr. Rabidou stated that fund 160 would be able to pay the cost. Mr. Rabidou acknowledged that he may have misunderstood the cost and stated that fund 160 would be able to pay the cost, regardless.

Mr. Rabidou explained larger criminal dockets were started yesterday and it went really smoothly and turned out well. Next week will be the biggest test as they are going live with 41 defendants. Many will be given a guest pager which will let them know when they need to come into the courtroom for jury selection.

Commissioners were invited to tour the Forest Service building with Mr. Rabidou.

Commissioner Hover explained there are people who wish to bring their equipment in to use on the fairgrounds. Ms. Craig has a waiver form to use.

Commissioners' Staff Meeting –Commissioners' Hearing Room

Naomie Peasley, Joe Poulin, Kyle Haugen, Pete Palmer, David Gecas

Naomie Peasley explained some camping information she found for the fairgrounds. When will the county reschedule its public surplus auction? It won' be until we can get more than 250 people.

Ms. Peasley stated she is completely confused on what fairgrounds inventory she is supposed to do. The fair doesn't have capital assets. There are small and attractive asset inventory there. The state auditor had asked about inventory. She said it was not clear if fair and fairgrounds were separate responsibilities. The items in Jones Hall are mostly surplus items. The Clerk of the Board stated it is all county owned property. Ms. Peasley said between the office items and the maintenance items she has no idea what her responsibility is.

The commissioners are going forward with the fair at this point with all safety contingencies in place. Everyone will need to be prepared if we do not have a fair. Commissioner Branch said there is a decision point. It comes from the fair committee on what date we must decide, then commissioners will set the date on yes or no. Ms. Peasley stated there are so many things to consider. Commissioner Hover said there are many unanswered questions right now, we just don't know. Ms. Peasley said she

has been as positive as possible. If we are moving forward with fair there are many things maintenance will have to do and she fears overwhelming them with all that is needed. Commissioner Hover stated it is a big job for just one and half people. He agrees two additional people will be needed. Commissioner Branch said the effort is to move as quickly as possible. Commissioner Hover stated by mid-July, things will be known. Money isn't being collected until beginning of August, said Ms. Peasley. If maintenance has the things they need to get prepared we can roll into it at the scheduled time or delay it. Then looking at the situation again in mid-August. Mr. Poulin stated maintenance is aiming to be ready for fair.

Camping and riding is the only stream of revenue. She said the arena BARS code has already exceeded its budgeted amount to be received.

Ms. Peasley continued to discuss the hot walker that was at the fair years ago. The base appears to be buried.

David Gecas provide his update on legal matters. A letter to the state auditor about current litigation is soon to be completed. A subpoena is being responded to that is due July 1. He updated the board on the French Creek lawsuit.

Provide legal research for other departments.

Contiguous is not defined in RCW, he explained it was in the Forest Management plan. Commissioner Branch asked about common practice in interpretation on land uses and how that would help establish such an interpretation.

Mr. Gecas explained the status of the Yakama Nations suit and the concerns of the tribe.

Mr. Gecas brought up his review of a letter submitted by certain members of the WRIA 49 Planning Unit. Commissioner Branch asked him to review the extending process for extending the timeline for completing the watershed plan as requested in the letter Governor has to make reference to the consult with the "four corners" of the legislature.. A statute references the timeline in statute. The four corners have been signing, but there was some question if they were only signing prohibitions.

Joe Poulin explained the need for an additional temp worker.

Motion Temp Maintenance

Commissioner Hover moved to approve the fairgrounds hiring a second temporary maintenance staff. Motion was seconded, all were in favor, motion carried.

Quotes were provided to the board for review for the replacement HVAC system. Quotes were from the following:

DIVCO \$164,078 plus tax
Salcido \$316,878

Commissioner reviewed the bids. It appeared both quotes included the same units. Joe Poulin had a recommendation to go with DIVCO as the lowest. Commissioner Hover asked what the contingency is for going over the quote and the possibility of change orders. Commissioner DeTro stated we could put in the contract the bottom line amount for the project. Commissioner Branch asked a number of questions regarding the different details of the quotes.

Motion

Commissioner Hover moved to go with the DIVCO proposal for the HVAC replacement system serving the courthouse Annex and authorized the chairman to sign. Commissioner Branch stated the

differences in the scope between the proposals and said if there is a discovery he hopes that a change order won't add up to an additional \$100,000. Or if there is a shortcoming in the proposal of DIVCO he expects that to be covered by the proposal. Motion was seconded, all were in favor, motion carried.

Commissioner Hover said if we have customers who want to ride their horses, we are alright with that until dark. Mr. Haugen said no one has established a closing time for everyone to be off the track. Mr. Haugen hoped when the COVID passes that communication can be more frequent.

Planning Director Pete Palmer provided a request from certain members of the WRIA 49 Watershed Unit to hold off the meetings until everyone can meet physically. She explained a COVID-19 plan is being drafted for the meetings. Without being able to meet in person, it is starting to put restraints on the WRIA planning group due to many not being able to join remotely. Commissioner Branch explained a variation of procedures or suspension of the rules is an interesting process because rules regarding the ground rules and procedures for conducting business as a watershed planning unit seem to change all the time, depending on the circumstances. He also noted that his name was called out in initiating a process also commenting that must be due to the fact that he made a motion that was voted on.

GIS needs to purchase ink for the large plotter, cost is being determined and cost may exceed budget. Tunk Basin resolution was drafted and hope to approve it today after David Gecas reviews and it will support the June 23 meeting.

The portion of the meeting on the Comp Plan the commission was able to get through the plan, with a plan to make side notes about things to take out or put in. A cheat sheet on litigation matters was created to show what they want. Other plans are being reviewed to ensure GMA elements are not being left out so Chelan County plan is being used as reference for that. October was the target month. Commissioner Hover stated he was in favor of Planning Commission coming physically to the meetings. Many do not have access even through the phones. We will accommodate the best we can. Commissioner Branch explained a variation of procedures or suspension of the rules is an interesting process because rules change all the time.

Motion

Commissioner Branch moved to work on providing a personal meeting space for the group. Motion was seconded, all were in favor, motion carried.

Commissioner DeTro stated there are two others waiting to provide staff update.

Commissioner Branch said he is concerned about the amount of time spent on hearing about fairgrounds details when there are other more important things to work out.

Update-Human Resources/Risk Management-Tanya Craig-Commissioners' Hearing Room

Ms. Craig stated the fraud claims for unemployment have slowed down with 42 having been received. HR has been working with employees to sort it out. She has been working with departments on the governor's order about wearing cloth face masks that begins June 8 as some employees cannot wear a mask due to doctor's order. She will continue to work with people.

Meeting with architect on final walk through on the Jail ceiling project. Governor has not addressed workers that cannot wear a mask due to doctor's order.

Working on indirect cost allocation plan, which will grasp all of them to fulfil the State Auditors' request to have in place. She has been working with county auditor on the Schedule 21 questions.

Update-Communications/Dispatch-Mike Worden

Mike Worden

Mr. Worden said the state has a request OCIO wants to use all the GIS data the counties have generated. The state 911 office holds the data, public records rules says if there is a request the info must release it. OCIO is asking for permission and counties are to provide. He pauses because we GIS generated the data not for all these other agencies, are they against us or for us, because they have not identified reasons xyz. He has not signed off on the use of our data. He explained reasons why, and the liability involved if the data contains an error, what are the ramifications of that. He doesn't want to make that determination. It is ultimately a public record the state holds. He isn't sure if he wants to sign off on that or sanction agencies getting it. Other counties have expressed the same concern. The situation is being considered by WSAC. Mr. Worden explained the request he received required him to explain himself. It isn't proprietary information, no. It is information we generate. He will see where the conversation leads us.

Last fall a 13th position was discussed. He asked how to proceed with budget for 2021 in terms of adding the position that would take on administrative tasks that are not being done. Commissioner Hover stated he sees a line being put into the preliminary budget with \$0.00 allocated, then provide the cost in the margins to be considered. It is a placeholder and lets the board know impact to budget, it is for consideration only with no promises. He will continue working on it.

Heads up CCT has a dispatch center it is secondary, they are looking to get connected directly for 911. The state law and contract the state has with provider requires Tribe to connect to telephone network, They have to do a nondisclosure agreement with the county as a subcontractor, and then the cost with that connection would become our cost which we would needs to go through us. He is working on the language for the agreement and expectations.

Communications Sales tax collections has started. The first collection was \$0.60 only. In April we were at about \$1,000. He stated compared to Corrections sales tax, it appears the Communications tax collections are ahead.

Maurice Goodall provided an update. Our county facilities are a concern while there is so much unrest in the Nation. Thursday night is scheduled for a peaceful protest. Discussion has been about a lot of things and it is not known what will happen. The Sheriff is well informed about the plan.

The Okanogan River is high but not expected to flood much. Supplies have been stored in the Hancock building for disbursement.

Commissioner DeTro read into the record. Okay Okanogan County he has read the emails coming into his county and personal email. He hears you and provides this response. 65% of the social media responses have come from outside the county. The ones that were civil and asked for an apology, he acknowledges. He said " I apologize." . But it comes with conditions. He apologized first to his wife as she saw this in a different light and asked him to take it down. I did not and absolutely should have listened to her and done it. She wears her heart on her sleeve and loves everyone. Don't punish her. Second, he apologized to his seat mates. Being a trucker for 46 years, he has always said he is not politically correct and he proved once again. He intended no harm. So, from his trucker mentality, and after surviving the Spotted Owl, where he was hated because he hauled logs, he knows some won't accept his apology and some will, to each his own. His dad Darrel Sapp had the same philosophy, "Love most, trust few, and paddle your own canoe."

Commissioner Branch said thank you, I accept your apologies. Commissioner DeTro said there were many who were civil about it and asked for an apology, but he was shocked by the number of people commenting that weren't even from here.

Commissioner Hover said we do not support people that hurt businesses or other people. We do

support our rights to peaceable assemble.

Update-Public Works – Josh Thomson

Kent Kovalenko

Motion Executive Session RCW 42.30.110 (1) (i)

Commissioner Hover moved to go into executive session at 11:00 a.m. for 20 minutes inviting Josh Thomson, Kent Kovalenko, and David Gecas to discuss legal matters to which the county may be or become a party. Motion was seconded, all were in favor, motion carried.

Executive session ended at 11:20

Kent Kovalenko provided his update on Solid Waste.

Temporary Employees

Mr. Kovalenko explained he has not found anything that says it isn't allowed to allow county employees that do not have a CDL license to drive on the county's own property.

Tonnage Update

We are down about 700 tons from last year. We are down about 4.8% due to businesses not being open and not producing trash. Who knows what happens later in the year. Summer hours start today, but only really impacts Twisp.

Maintenance

Thomson stated pre-leveling will happen at the end of the week. Commissioner DeTro noticed from Conconully where the bridge was skipped. Cannot pre level the bridge but potholes will be filled. The first overlay didn't stick so it allows water to create the potholes. They may have used a cold mix that did not adhere to the deck. It will need to be fixed. Conconully was trying to find money to do main street.

Revenue projections were discussed. Gas tax revenues is expected at about 75%.

Statler Bridge

Guard Rail going in right now. It may be open by Monday next week at the earliest. It was only four months behind.

Park City Loop Rd Bridge B-4

Letter awarding bridge funding. The good news is DOT has a surplus of federal and toll funds so there is no match.

Omak Riverside East Rd Paving project

This overlay project will begin and may finish by July 4 and will go fast.

Elmway Levee

Estimate for the project was a lot less than we expected. The difference will go back into the Capital Improvement fund where it originally came from

Scoring on RAP projects was discussed and timelines for prospectus.

State Health is requiring a flow meter and a broken pipe will also be fixed for a total project cost over what was originally budgeted for. A supplemental will be submitted for consideration.

Engineer Thomson explained what is being done to address the mask requirement. There may be some language that allows Public Works employees not to wear a mask. Many think it is more of a

hazard to wear one than not.

Commissioners adjourned for lunch at 11:30 a.m.

Citizens Comment Period

Dulane commented about how rough things are in the world now. She is grieving, comments like the one posted by Commissioner DeTro are not okay.

Commissioner DeTro has a hard time seeing where this is racial.

Samantha Hinger Okanogan. It isn't just the individual post that has been brought up, there is a pattern of similar posts happening on Facebook page. You are representative of those in this county and those people need to feel safe to live here. When messages are posted like that that is representative of the citizens living here, she doesn't feel it represents her. It isn't appropriate.

Comments go the hell away. Commissioner Branch asked that comments be kept respectful.

Katie Haven Methow read from her comments. She is appalled.

Jasmin Minbashian

Jordan Williams, people will not forget this they will not let him forget this. Until you do step down she will not let him forget this.

Jason Musgrave Omak, grew up in the county back since 2010 and appalled about posts.

Rick Gillespie Chesaw, commented that the post Jim put up was not something he came up with. A commissioner in a leadership has no place in our community. He asked that he be removed.

Kelligh McMillan community member, not a hater. She works to make this place better, she wishes she could say the same for Commissioner DeTro. Leadership is not what is being provided.

Erica Halm, used to seeing a wide variety of things that are offensive, but seeing them from an elected official in my county is not acceptable. Resigning is the least he can do.

Emily Sisson Winthrop Political correctness used to mean not being polite. Strive for politeness.

Kathleen said the meme is inflammatory and a political tactic is venopole VRA meme and the frequency of the memes are shared among white racist groups and are used when they do not agree with things being protested. Alex Field posted a very similar meme and he was convicted of murder. Commissioner DeTro needs to understand this. Everyone is wondering what his political views actually are after posting this type of meme.

Joyce Bergen is worried. She expects more from her commissioners. It is clear he should step down.

Commissioner Branch appreciated the comments. He stated we do need to move on to business. He has no intent to argue over the business.

Ava Mott Winthrop disappointed and asked for resignation.

55 at 1:50

Consent Agenda

Commissioner Branch moved to approve the consent agenda items 2-12 excluding item 1. Motion was seconded

1. Agreement-Composite Plan-Teamsters Trust-PW Roads Dept.
2. Agreement-Rates of Pay-Teamsters Local Union No.760- PW Roads Dept.
3. Contract-Lodging Tax Revenue-Cascade Loop-LTAC#20-002 \$5,000
4. Contract Lodging Tax Revenue-Grand Coulee Chamber LTAC#20-006 \$6,375
5. Contract Lodging Tax Revenue- Merc Playhouse- LTAC#20-008 \$3,250
6. Contract Lodging Tax Revenue-Twisp Chamber of Commerce LTAC#20-022 \$10,175
7. Contract Lodging Tax Revenue-Twisp VIC LTAC#20-022 \$6,375
8. Agreement-Dispatch Services-City of Omak
9. Agreement Dispatch Services-City of Brewster
10. Agreement Dispatch Services-Okanogan County Fire District #12
11. Agreement Dispatch Services-Okanogan County Fire District #8
12. Agreement Dispatch Services-Okanogan County Fire District #2

Motion

Commissioner Hover moved to approve the CERB A19 Grant request #2 and authorized the chairman to sign. Motion was seconded, all were in favor, motion carried.

Motion

Commissioner Hover moved to approve ordinance 2020-3 Interim Land Use Controls Water Availability Tunk Basins as a study area. Motion was seconded, all were in favor, motion carried.

Motion Tonasket EMS District

Commissioner Hover moved to adjourn as the BOCC and reconvene as the Tonasket EMS District. Motion was seconded all were in favor, motion carried.

Commissioner Hover moved to approve the Voucher certification and authorize the Tonasket EMS District vouchers to be paid in the amount of \$21,700 to Life Line for May Services. Motion was seconded, all were in favor, motion carried.

Commissioner Hover moved to adjourn as the Tonasket EMS District and Reconvene as the Oroville Rural EMS District. Motion was seconded all were in favor, motion carried.

Motion Oroville Rural EMS District

Commissioner Hover moved to approve the Voucher certification and authorize the Oroville Rural EMS District vouchers to be paid in the amount of \$9860 for May. Motion was seconded, all were in favor, motion carried.

Commissioner Hover moved to adjourn as the Oroville Rural EMS District and Reconvene as the BOCC Motion was seconded all were in favor, motion carried.

Motion

Commissioner Hover moved to approve the LTAC contract with the fairgrounds for Marketing and Advertizing LTAC-20-015. Motion was seconded all were in favor, motion carried.

Quarterly Update-Tonasket Forest Ranger-Kathleen Johnson-Commissioners' Hearing Room

Ms. Johnson was a bit late joining the meeting due to difficulties with ZOOM. Commissioners addressed other business until she could join.

Commissioner Branch commented on the Watershed planning unit decision today. He doesn't consider everyone should come down here but rather limit physical attendance. Ask initiating governments about certain items as some members get into the weeds over that issue. He needs to make sure the goal is well identified and clarified. The narrative would have framed up those projects. If we drag it out longer we will not meet our timeline and decision will not be ours. Commissioners discuss strategies for water availability. Commissioner Branch commented on the letter of the WRIA

49 group that included listed items identified for clarification.

Motion

Commissioner Branch moved to approve the CDBG Planning Only Grant request #5 in the amount of \$5662.48 Motion was seconded, all were in favor, motion carried.

Commissioner Branch stated on Thursday, he would be speaking on open line only to introduce the Brian Points, the consultant conducting the housing needs assessment.

Quarterly Update-Tonasket Forest Ranger-Kathleen Johnson

Ms. Johnson joined the meeting via zoom.

She updated the board on several items. She was asking the commissioner for concurrence for opening up. She asked what the Phase II status is for Okanogan County. There were expectations that we would know this afternoon. Many are camping anyway, she said. The bathrooms are left open to avoid other messes.

Ms. Johnson said she received a letter yesterday, Brian Nelson sent her a letter with other names on it, complaining about the two range district employees. Commissioner DeTro said he received information about water trough situation. He explained there were no cows in there, it was completely covered with Moose tracks. Josh wouldn't allow them to turn out their cows. The water source isn't even in the unit they turn out that early. To hold that up and not let them put their cows on the lower unit doesn't make much sense to him. She didn't realize the maintenance problems of some leases. She will look at the letters, but has been in the field today and hasn't had a chance to read the letters. Commissioner DeTro explained Forest Service delays allowing folks to turn out their cows. All maintenance must be done before cows can be turned out, said Ms. Johnson. She knows they don't always have their maintenance done. Commissioners would like to discuss the grazing situation next week as they would like more information about the situation. A meeting was scheduled to follow-up next week.

Commissioners discussed their viewpoints about their water discussions with constituency groups in order to consider those concerns while developing the plan.

Approve Commissioners Proceedings

Commissioner Branch moved to approve commissioner's proceedings of April 27, 28, and 29, 2020. Motion was seconded, all were in favor, motion carried.

The board adjourned at 3:55 p.m.