

RECORD OF THE PROCEEDINGS**OKANOGAN COUNTY****SEPTEMBER 28, 2020**

The Okanogan County Board of Commissioners met for a Regular session at 123 5th Avenue North, Okanogan, Washington on September 28, 2020, with Chairman, Commissioner Jim DeTro; Vice Chairman, Commissioner Chris Branch; Member, Commissioner Andy Hover; and Clerk of the Board, Laleña Johns, present.

The full detail of the commissioners' proceedings was captured via AV Capture video and is available to the public on the county's website.

Commissioner Hover requested two executive sessions, one to discuss acquisition of real estate and another to evaluate complaints brought against a public employee.

Commissioners discussed a complaint received about jet skiing on Pearrygin Lake stating nearby Patterson Lake is where many kayakers go to enjoy quieter recreation and the only other lake to jet ski on is Alta Lake which is many miles south of Winthrop.

Motion Executive Session RCW 42.30.110 (1)(b)

Commissioner Hover moved to go into executive session at 9:30 a.m. for 10 minutes to consider the acquisition of real estate by lease or purchase when public knowledge regarding the consideration would cause a likelihood of increased cost. Motion was seconded, all were in favor, motion carried.

Commissioners exited executive session at 9:40 a.m. no decisions were made.

Motion Executive Session RCW 42.30.110 (1)(f)

Commissioner Hover moved to go into executive session at 9:48 a.m. for 10 minutes to evaluate complaints or charges brought against a public officer or employee. Motion was seconded, all were in favor, motion carried.

Commissioners exited executive session at 9:58 a.m. no decisions were made.

Review Commissioners' Agenda and Consent Agenda

Commissioners reviewed their meeting minutes and consent agenda.

Briefing Among Commissioners-Discuss Individual Meeting Schedules

Commissioners discussed water planning and interim land use controls regarding water uses.

Update-Veteran's Service Office-VSO Pam Stevens

Pam Stevens and Dale White chairman of the executive board joined the meeting via zoom.

VSO Pam Stevens provided her quarterly update. (attached)

Commissioner Hover discussed use of Coronavirus Relief Funds for veteran's who need assistance due to Coronavirus. Dale White said he discussed this with Community Action Council Executive Director and Community Action appears to be the best avenue for Veterans to be assisted with these funds. SSVF has a good system in place to identify needs. Ms. Stevens said she is a liaison for veterans who are applying for that assistance.

Ms. Stevens discussed providing a private space for doctor and veteran for telemedicine. She would need to work it out with the Legacy to add on to the building, but she hasn't been able to meet with

them due to COVID. Commissioner Hover suggested a mobile unit to go where it was needed. Dale White said there is already a 50-amp hook-up at the legacy for a veteran's mobile unit. He is working on that.

Mr. White provided amendments to the Veterans by-laws that would allow for conference call attendance of members to establish a quorum. He also recommended removal of language that restricts the organization to individual representations. Most members would be at large.

The provisions in RCW were read by Commissioner Hover as to the requirement for representation. It doesn't say the membership must come from posts or local legions. The RCW allows for the by law changes, but the by-laws do not. The By laws would need to be changed in order for the membership reorganization. The veterans board will hold a meeting and vote to recommend the changes then send the documentation to the Clerk of the Board.

Can cash donations be accepted to purchase things such as equipment portable scanners. Record the revenue in a bars line for donations and then a budget supplemental to expend in an expense line. Legacy does the plaques, said Mr. White. Auditor Cari Hall explained the veterans could accept the donations into a revenue line and work on a supplemental for spending the funds. Documentation of the donation and expenditure would need to be kept.

The lifetime limit of veteran's help is \$1500 or \$500 per veteran, but if approved they can exceed that amount, stated Mr. Dale White.

Discussion -Request for Budget Amendment-Prosecutor Arian Noma

Cari Hall, Lisa Schreckengost

Prosecutor Noma explained a new bill/invoice came through regarding civil litigation in the amount of \$13,000. He actually doesn't need a supplemental but does need an amendment from Contingency Reserve. He is also asking for \$15,000 for a first-degree arson case that was filed recently. Jensen Hughes expert witness lab conditions have recreated an experiment on the fire. They will definitely charge \$450 for Mr. Joyce and they are demanding upfront payment for him and then \$250 for the other. He also contacted the insurance company to pay or witness time but the request was denied. At the same time the insurance company agrees that without the lab there would be no case. The actual lab experiment was paid for by the insurance company, but the testimony was not and those costs are still unknown. He thought testimony could be at least 4 hours times two, plus travel and lodging will need to be paid for as well. He will be making additional request for pathologist costs due to homicide.

Commissioner Hover asked the Prosecutor to look into the civil professional services budget for land use versus the criminal professional services budget for criminal issues. Auditor Hall stated it is not our practice to pay for services before the service is rendered, however with an agreement in place to protect our money then she will sometimes allow it outside of our practice.

Commissioner DeTro stated he attended the Wildfire meeting and it was said that FEMA called our fire a wind event. Commissioner Hover said clean-up is being stymied by DOE due to lead based paint and asbestos, but we need inspectors to address this because people need to start rebuilding.

Commissioners discussed the land fill waiver draft resolution. Commissioner Branch discussed recovering fees for Douglas County fire victims who bring debris to Okanogan County. He thought a discussion with Douglas County would be appropriate because we are forgoing dollars that may be otherwise be recovered from tipping as it is a cost of the fire. Would Douglas County be willing to pay our tipping fee then get reimbursed by FEMA for those waiver costs of Douglas County residents? There is a service area boundary within the footprint of the fire.

Discussion-Coronavirus Relief Funds-Roni Holder-Diefenbach, Economic Alliance

Ms. Diefenbach joined the meeting via zoom.

Ms. Diefenbach updated the board on the small business grant program and requested additional Coronavirus Relief funds for eligible small business grants. A total of 56 business was funded between the county and state CARES funding. She discussed the application process and compilation of information from the businesses and the requirements and many businesses did not have that information and were unable to complete the application but that info was required to complete an audit.

Ms. Diefenbach thought another \$200,000 would be very helpful. One of the big things is the economic alliance administrative costs to help with these grants. No administrative assistance has been asked for. What they are running into is they may need to do a federal audit due to the amount of federal funds being passed through. They are up to \$650,000 and the ceiling is \$700,000 and if the commissioners approve \$200,000 that would bring them well over the ceiling.

The agreement with Economic Alliance will need to be amended for additional Coronavirus Relief Funds.

Ms. Diefenbach updated the board on the Broadband action team as the consultant is getting ready to complete the study. A meeting will be scheduled to present the 18 projects to the board. Ms. Diefenbach discussed those include shovel ready projects. EDA has funds for a feasibility study to help move us forward. A joint effort between the Methow and us will be facilitated for the funding application through FDA and some Broadband specific grants. Continue working with the consultant to apply through EDA. A grant support letter will be requested at a later date. A draft will be sent to the clerk for presentation to the board.

Pateros, through George Brady, have had few of those businesses apply for Coronavirus Relief funds as they are looking at pop-up businesses using business sheds that could be used to provide innovative type small businesses in their community and use CARES funds for that.

Ms. Diefenbach stated Okanogan County Prioritization application process is opening up with a deadline of October 26. Commissioner Branch stated O'Neil Road intersection should be ranked for funding, but he didn't know who would submit the application for prioritization for possible use of EDD dollars to fund. Ms. Diefenbach said if it is in the county boundaries then County roads might be the appropriate agency to apply.

Commissioners DeTro discussed the Ok PUD putting power lines in underground to the more critical infrastructure where they can.

Commissioners adjourned for the lunch hour.

Update-Planning Director Pete Palmer

This update was cancelled by the Director.

Public Hearing- Interim Land Use Controls WRIA #48-Planning Director Palmer

Dan Higbee, Maurice Goodall

Commissioner DeTro opened up the public hearing to staff. Director Palmer provided her staff report stated comments were received on 2020-4 and then commissioners made changes and adopted 2020-6 which adopted those changes. (attached) Comments were received from Tim Trohimovich of Future Wise prior to the hearing. (attached)

Commissioner DeTro closed staff and opened public hearing to the public.

Jasmine Mimbashian commented on wells going dry all over the county and is worried about the county's position with regarding to water availability and leading land owners to believe there is water when there is not. Urging the county to take a cautious approach until the issue of the law and how it applies to domestic use. Reconsider the exemptions because they do not abide by law. More people are dealing with water shortages all over the valley.

Isabelle Spohn commented and agrees with the intent 2020-6 but stated more information should be gathered before a permanent law can exist. The draft still has loop holes as exceptions in paragraphs 2, 3. She confers with Future Wise. Curtailment of domestic wells along the river are still happening. It is the domestic wells that do not get curtailed when ranches are. Recreation is at the core of the economy that are water dependent. New subdivisions would still be allowed after vesting for five years. The ordinance should be clear about the use of 2cfs reserves. Another year isn't needed to address this fact. State water law should be followed and values of community in terms of rural and agricultural atmosphere are.

Commissioners discussed whether they will close public comment or leave it open. The board thought they were at a point they did not wish to keep it opened. Commissioner DeTro closed public comment at this time and opened up to board discussion.

Commissioner Hover read from ordinance 2020-6. What did the board do about tiny homes as in RCW 58.17 did the board make exceptions for those condominiums? Commissioner Branch asked if there was an exception for condo made in the ordinance? Group domestic use, said Commissioner Hover as he wants to make sure those were addressed. Commissioners discussed paragraph 2 in ordinance 2020-6 and stated the board wished to close the loop holes as he thought the board had drawn out and clarified it.

Director Palmer explained when water adequacy is not required. Commissioner Hover said this public hearing is confusing. Commissioners reviewed the prior ordinance 2020-4 and Commissioner Hover read from it to show the confusion. He couldn't tell if the exceptions in subsection 2 applied to condominiums and/or binding site plans. Commissioner Branch tried to understand why we would want to prohibit condominiums or binding site plans if they did not apply to subdivisions that we are prohibiting in the ordinance based on challenges of law regarding the application of domestic exempt wells to subdivisions. Under 58.17, the state subdivision statute does not apply to condominiums so they are not prohibited under this ordinance.

Director Palmer explained differences of how a mobile home park would be served by water and a subdivision. The mobile home park is a commercial use.

Commissioners discussed the processes for the determination of sufficient water when someone applies for a subdivision. Processes are in place to not allow condominiums.

Commissioner DeTro said at this point there isn't a crystal ball to be able to tell what would happen with these five years down the road. We should do everything now to plug the loop holes, but anything further would be speculation. Commissioner Hover said when someone sees the exceptions on the list he wants to ensure those can be addressed somewhere. Commissioner Hover is good now after discussing the areas causing his confusion, even though it doesn't explicitly spell it out. Planned developments can have subdivisions because the lots will be sold, we do not have a binding site plans provision.

Commissioner Hover explained what he believes the board can do: either repeal 2020-6, amend it, or keep it in place.

Motion Ordinance 2020-6 Keep in Place as Written

Commissioner Hover moved to keep ordinance 2020-6 in place for the period of one-year subject to the work plan in place in the ordinance. Motion was seconded. Commissioner Branch appreciated the time allotted for the hearing process and discussion because the decisions are very serious.

Commissioner DeTro closed public hearing.

Commissioner DeTro stated when he wants to do something like develop land he looks for the loop hole in order to get it done, it is human nature to want to look at that first. Commissioner Branch agreed that is what people do. Land use decisions touches a huge cross section of things and it is a difficult job to navigate through. Commissioner Hover said there is a heightened number of people wanting to move out of urban areas to more rural areas especially ones who can telecommunicate their jobs. Management of land use becomes a point of contention, said Commissioner Branch. Commissioner Hover said managing the density and where that is going to be is the challenge and how our natural resources support it. Commissioner DeTro said it is a matter of water utilization practices.

Commissioners continued to discuss water and the ideas of conserving water and complications involved.

Review Commissioners Proceedings

Commissioners reviewed their meeting minutes.

The board adjourned at 3:20 p.m.