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RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

JANUARY 28, 2022

10 **3:00 PM** **Special Meeting-Interim Prosecutor Appointment**

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12 The Okanogan County Board of Commissioners met in Special Meeting session at 123 5th Avenue North,
13 Okanogan, Washington on January 28, 2022 with Chairman, Commissioner Chris Branch; Vice-
14 Chairman, Commissioner Andy Hover Member, Commissioner Jim DeTro and the Clerk of the Board,
15 Laleña Johns, present.

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17 AV Capture provided audio and video of the meeting held today, while ZOOM provided best
18 audio accessibility and public interaction.

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20 **Special Meeting-Interim Prosecutor Appointment**

21 Chief Civil Deputy David Gecas, Chief Criminal Deputy Felicia Chandler, Superior Court Judge Chris
22 Culp, Bailiff Mary Horner

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24 Commissioner Hover opened up the special meeting noting the purpose was to consider interim
25 appointment of Prosecutor of Okanogan County. Commissioner Hover asked David and Felicia if they
26 wanted to be appointed. David said no, Felicia said no she has other engagements. She said she thought

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28 A call to the attorney general's office and they were going to try and help. If not then it is unclear what
29 can be done. David Gecas was looking for other instances where this happened to learn how it was
30 handled. He explained instances where the position lapsed. The AG might have to step in. He doesn't
31 want to agree to something he cannot do and be responsible for what the outgoing prosecutor is doing
32 plus Chief Criminal Position will be vacant soon too, plus he hasn't handled criminal matters in a while.
33 We are still pinning down what would be left uncovered. Wahkiakum County has offered some help from
34 one of their attorneys who served as a prosecutor. David Gecas said a judge can appoint when a
35 prosecutor is unavailable or there is a conflict, but doesn't clearly apply here. There are no answers to
36 questions he has where the RCW says may.

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38 Commissioner Hover said the statute that speaks to disabilities refers to when the prosecuting attorney
39 isn't in court and the judge can appoint.

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41 Discussed the Interim Appointment of the Prosecutor to select for the appointed position and until the
42 next election. Interim Prosecutor is different and doesn't require partisanship and indicates should be
43 someone from the office where the Appointed Prosecutor is partisan and appointed by commissioners.

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45 David stated right now there is a Suspension of Court until the end of February and trying to fill open
46 positions within the office.

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48 On Monday, Commissioner Hover asked that nothing happen in the office. Monday's are very busy.
49 Felicia stated she and David have not been able to talk. They are willing to do what is needed, but will
50 there be a challenge later, it is not clear.

51
52 Felicia Chandler read from RCW 36.16.115 was read and can interpret broadly that the commissioners
53 can appoint a prosecutor in their current role. RCW 36.27.040 was read.

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55 The 2014 opinion stated that if the appointment was not filled another 60 days may be extended.
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57 Duties that come with the authority would be taking on the cases the current prosecutor is leaving.
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59 Felicia said they are down half of their criminal staff right now. Commissioner Branch understands the
60 situation and is thinking that the duties to be performed someone will need to be there to handle the
61 business of filling those positions. David did not think the duties could be minimized to do just that.
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63 Judge Culp asked if Jonathan Myers was consulted. David said yes, but he had not heard back from
64 him. Judge Culp said if the motion can be continued for 30-days the order is still in place. His authority
65 is the court order.
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67 Commissioner Hover took a call and when he returned he said the judge has the discretion to appoint
68 pursuant to RCW 36.27.030. David said we are talking about a vacation rather than a disability.
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70 Judge Culp stated what it comes down to is bodies. He discussed Jonathan Myers, who is a special
71 appointed prosecutor. Or he could appoint all the deputies to act for criminal and civil matters for one
72 month. In that case, Commissioner Hover asked what the difference is between the judge appointed
73 and commissioner appointed. Judge Culp said there is a huge difference.
74
75 The problem is the commissioners cannot put a timeframe on the appointment. Commissioner Hover
76 stated the Board has no plan to let anyone go and was never a consideration, the salaries are budgeted.
77 No positions will be terminated right now, said Commissioner Hover and on Monday we will need to
78 figure it out. Judge Culp stated he was willing to appoint the deputies for the Superior Court sessions.
79 He was surprised the appointment would not cover both Superior Court and District Court.
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81 There is no decision to be made by the county commissioners because there is no one to appoint, said
82 Commissioner Hover.
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84 Judge Culp discussed appointing both our deputies and Jonathan Myers.
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86 The board adjourned at 4:03 p.m.
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