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RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

OCTOBER 11, 2021

9:00 AM Review Commissioners Agenda and Consent Agenda
9:30 AM Briefing Among Commissioners-Discuss Weekly Meeting & Schedule
10:00 AM Update-Communications/Dispatch-Chief Worden
10:30 AM Discussion Bond Resolutions-Commissioners
11:00 AM Discussion Levy Timelines and Assessor Audit-Assessor & Auditor
1:30 PM Public Hearing Ordinance 2021-8 Building Permit Moratorium-Director Palmer
3:00 PM Fair Advisory Committee Appointments-Telephone Interview JR & Chantry Leslie
3:30 PM Discussion-Delta Dental and Minimum wage- Shelley Keitzman
4:00 PM Review Meeting Minutes

The Okanogan County Board of Commissioners met in Regular session at 123 5th Avenue North, Okanogan, Washington on October 11, 2021, with Chairman, Commissioner Chris Branch; Vice-Chairman, Commissioner Andy Hover; Member, Commissioner Jim DeTro and the Clerk of the Board, Laleña Johns, present.

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

Review Commissioners Agenda and Consent Agenda

Commissioners discussed the ARPA funding process and county allocation requests for expenditure.

Commissioners discussed a plan to tour the Forest Service Building this week. Commissioner Branch received and read a response from the Treasury on use of the ARPA funds to purchase the building. They recommended a third-party opinion be consulted. Treasury is still finalizing the interim rule and until then agencies must rely on the interim rule to determine eligibility of uses.

Commissioner Hover would like to solidify the county's ARPA allocation and to set the spending timeframe. He would like to hire someone part time to oversee the county's ARPA as a reimbursable service. He said Public Health receives other money from other sources, and he has spoken to Lauri Jones about their needs. Commissioner Branch discussed the response from the Treasury regarding the county's question whether or not the purchase of the building is a permissible use of the ARPA funds. (attached) The deadline was extended to December 31, 2021.

Commissioner DeTro noted that 23 employees of OBHC chose not to be COVID vaccinated, therefore they were terminated in accordance with the state and federal rules.

Motion-Closed Session Union Negotiations RCW 42.30.140(4)(b)

Commissioner Hover moved to go into closed session to discuss union negotiations at 9:35 a.m. for 10 minutes inviting Tanya Everett. Motion was seconded, all were in favor motion carried.

Closed session ended at 9:45 a.m. no decisions were made.

Commissioner Hover discussed the Methow Watershed Council calculated a value for the administrative work at \$20,000 per year. Commissioner Hover said if there are grants that can pay for administration then we would want a credit against that time. The Watershed Foundation would bill every month for only the expenses of administering the councils work. Commissioner Hover discussed

54 options for the budget. They also requested a contract that is effective November 1 so the person can
55 start getting paid. There are other expenses involved besides the cost of the secretary. \$1,900 at 40
56 hours per month, website, audio, paper etc....The contract could be set to not exceed \$20,000 and
57 would lay out the specific expenses.

58

59 **Briefing Among Commissioners-Discuss Weekly Meeting & Schedule**

60 Commissioners discussed their weekly meetings.

61

62 **Update-Communications/Dispatch-Chief Worden**

63 Sheriff Hawley, Undersheriff Culp, Coroner Dave Rodriguez

64

65 Mr. Worden discussed the need for an equipment shelter because the current building located at the
66 old public works shop is in bad condition. (attached) He requested approval to pursue architectural
67 design from Beeman for an equipment shelter/coroner facility that meets his need as well as the
68 coroner. Can it be included in the Bond being considered? Mr. Rodriguez explained a need for facilities
69 as his space is sub standard for what he is doing. He said current capacity has been stretched and the
70 funeral homes are also full. He would like to increase capacity and include heat and cooling, ventilation,
71 running water and sewer as the space he has right now doesn't have this.

72

73 Coroner Rodriguez said his hope is for the space to be certified to address another problem with not
74 enough available pathologists. A solution for all four neighboring counties would be to share a
75 pathologist, but the building would need to be upgraded and certifiable. Commissioner Hover said his
76 hope is to update the Capital Facilities plan annually.

77

78 Mr. Worden will request a cost estimate from Beaman Architecture to get started on the design.

79

80 Mr. Worden explained what the agreement on the consent agenda between Skamania and Skagit
81 county was for.

82

83 Mr. Culp responded to Commissioner Branch that it is possible to spend Task Force Dollars on building
84 upgrades.

85

86 **Discussion Bond Resolutions-Commissioners**

87 Treasurer McCormack, Auditor Hall

88

89 The engagement letter between D.A. Davidson is prepared and signed by the Treasurer said
90 Treasurer McCormack. It allows scheduling of the various dates needed for the Bond. It is non-binding
91 and can be cancelled at any time.

92

93 The Bond Resolution was reviewed of the counties intent to bond.

94

95 **Motion Resolution 127-2021 Bond**

96 Commissioner Hover moved to approve resolution 127-2021 declaring its official intent to reimburse
97 capital expenditures from proceeds of a future borrowing and providing for related matters. Motion
98 was seconded, all were in favor, motion carried.

99

100 Commissioner Hover discussed the need to hire someone part time under contract to handle the
101 county's ARPA funds. Auditor Hall thought other counties would be doing this also and thought a
102 shared person might be beneficial.

103

104 The Treasurer explained her office closed down due to COVID last week. She has two people who
105 also falls under the same admin situation as the Auditor.

106

107
108 **Motion Resolution 131-2021 Treasurer's Office Admin Leave Authorization**
109 Commissioner Hover moved to approve resolution 131-2021 allowing use of admin leave for certain
110 employees exposed to COVID. Motion was seconded, all were in favor, motion carried.

111
112 **Discussion Levy Timelines and Assessor Audit-Assessor & Auditor**

113 Assessor Larry Gilman, Jan Million, Leah McCormack, Cari Hall

114
115 Ms. Million provided the information regarding the levy timelines. (attached)

116
117 Assessor Gilman stated changes were made regarding the timelines for certification of the levies.
118 November 30 is still the deadline for Jr. Taxing districts to certify and adopt their levy resolution and
119 submit those to the commissioners for final adoption. December 6 is the county's deadline levy
120 certification deadline is December 15.

121
122 Auditor Hall asked, what happens when a Jr. taxing district doesn't turn in their budget and levy
123 resolution and certification on time. If they do not submit budget to us the board will adopt a zero, said
124 commissioner Hover.

125
126 The certification should include all three figures for Regular Levy, Excess Levy and Refund Levy on
127 the certification.

128
129 The board adjourned for lunch at 11:30 a.m.

130
131 **Public Hearing Ordinance 2021-8 Building Permit Moratorium-Director Pete Palmer**

132 David Gecas

133
134 Commissioner Branch opened up the hearing to staff on Ordinance 2021-8 regarding a building permit
135 moratorium. He explained what the board had to consider and it what order. Testimony will be limited
136 to three minutes.

137
138 Director Palmer prepared a staff report to the county commissioners. We received 52 comments.
139 Planning is recommending a continuance of the ordinance until repealed or the outcome of dispute
140 with Dept of Ecology is resolved. David Gecas agreed with the director.

141
142 Scott McPhee own a five-acre plot on eastside road lot 3 salter flat. Mr. McPhee testified that he found
143 paradise and his dream but is not the case right now because he cannot build. Been working the
144 property and have been leasing the land for livestock. Spent summers watering the property and now
145 they are not able build to fulfil their dream. They are renting now. Bought it with the implicit that they
146 were able to build on it, has irrigation and well. They would not have purchased had they known they
147 would not be able to build on it. He doesn't have time to wait. He feels bad and out a lot of money and
148 paying rent. The sooner the better in figuring this out.

149
150 Isabelle Spohn testified that this is very difficult. She said extension of the ordinance is the best thing
151 to do. She read from her comment.

152
153 Linda Bustad testified that she purchased property with a well on the property which they used to
154 irrigate and improved the property with sewer and power on their perfect property for retirement. They
155 found out what is going on and are extremely shocked and it isn't good. The value has been deflated
156 quite a bit. The county should send letters to notify people about what is going on. She is in favor of
157 desolving the ordinance.

158

159 Cassey Ruud testified that some are really getting chiseled. He has extensive experience working with
160 the code and environmental code. He has read the Dept of Ecology. The interpretation of the AG is
161 not the law. Two issues, strong advocate for protecting our water, two believes in the fair use of water
162 resources. There are lots that people are using irrigation systems on and also have wells. He proposed
163 metering of the three wells.

164
165 Doug Rodnet testified that he purchased land and doesn't want to be stuck between two agencies
166 trying to figure it out. County government should be reliable.

167
168 Earl Campbell testified that he was born and raised in the Methow and was denied a building permit.
169 He was very disappointed. All he needs to build is an addition that will use no water. He requests the
170 ordinance be dissolved.

171
172 Barbara Zaroff provided written comments.

173
174 Craig McDonald no comment.

175
176 David Clement no comment.

177
178 Shatese supports the dissolving of the ordinance. She and her sister are trying to do something with
179 their property and is now unable to do anything with her family's land.

180
181 Eric Morris would like to see the ordinance dissolved.

182
183 Commissioner Hover asked if anyone else wished to provide testimony and no one else attending
184 wished to testify or had already submitted a comment.

185
186 Heidi Apple submitted comments and did not wish to provide further comment.

187
188 Heidi Dunn provided her comment. She would like a timely resolve of the issues of water. This is
189 having a highly detrimental impact to community. Legal analysis determined the county could allow or
190 deny permits and could require metering.

191
192 Sara Conover she is disappointed in the commissioners not discussing things and applaud what Heidi
193 said.

194
195 Jasmine Minbashin Executive Director Methow Valley Citizen 1976 to protect rural character of the
196 Methow. She thanked the commissioners for recognizing the issues involved. This is an important
197 pause to ensure that a bigger problem isn't created for the community. Methow rule original intent was
198 to keep the rural and agriculture uses be maintained. It is more recreational now and the fear is that it
199 will encroach on agriculture and rapid subdivision of land if not limited. Redirect from fighting the state
200 and work with dept of ecology to create a water bank like other counties that have gone before.

201
202 Commissioner Branch opened up the hearing to commissioner testimony.

203
204 Commissioner Hover testified to the challenges of the Methow. The Foster Case established water is
205 in time and in place and not as simple to address as placing water meters on the well or plat. A process
206 to get stake holders to address the issue for Dept of Ecology to add the words "group use" Allow
207 projects that store water in the wintertime. Any salmon related project the county is involved in storing
208 and that a portion of that water be put away for salmon. People who have already put infrastructure in
209 are priority. If the county removed the ordinance what could be the legal ramification of the county if
210 permits were issued for these types of property.

211

212 David said a special interest group or ecology would say we are violating the laws and court orders
213 which doesn't address the issue from 2002 to present it only addresses the two-lot subdivision. Once
214 clarification is received and we are not allowed to approve permits that rely on exempt wells could go
215 through LUPA. It is binding on the county even if not on the land owner.

216
217 Commissioners discussed how they each wished to proceed and the issues involved. Find the quickest
218 best available science for these 235 parcels in order to allow those people to use their property. He
219 doesn't want the valley split up in a bunch of tiny parcels, but growth is going to happen, don't go
220 backwards. Would like to omit the 235 parcels to give flexibility to issuing permit.

221
222 Commissioner Branch asked the board if the ordinance should change? Are there building permits
223 that can be issued on the lots of concern, legally?

224
225 Cisterns were discussed. Title restrictions were discussed in terms of transferring water from one
226 parcel to another.

227
228 Commissioner Branch relayed the county's involvement in the courts regarding water and
229 subdivisions. He discussed vesting and how that was muddled up and confusing now. The vesting
230 status should be respected. When we go back to 2002, he is really bothered by that. There wasn't a
231 law in 2002 that said people couldn't use their property as an investment. This is a really bad situation
232 in Washington. People invest in their property and they deserve some predictability. Market cannot be
233 controlled but subdivisions can be. People are making the investments thinking they can use the
234 exempt wells and continuing to move forward with their investment thinking they have been vested
235 use. There are differences established by the court. We can resolve this through water banking,
236 mitigation tool we use, but this takes time. Because of the vesting rules, the county has reserved
237 strategies.

238
239 Commissioner Hover showed mathematically 235 homes used an average amount of water through
240 summer and winter not the 700-gallon used for computations on reserve, Aspect determined 250
241 gallons per day rough use not consumptive use, just water going through the spigots. 65-acre feet per
242 year .089 cubic feet per second. Scientifically proven. Commissioner Branch said the biggest issue is
243 interpretation of the rules and how to address growth. The problem with domestic exemption
244 technicality of Campbell & Gwinn and the Methow rule.

245
246 Director Palmer stated Public Health has a difficult time adhering to new rules the county sets. Public
247 Health needs to work with the county more to prevent these types of situations from happening.

248
249 Commissioner Hover proposed to continue the hearing in order to review the applicable sections or
250 just let it run out. RCW 36.70.795 was reviewed. There has to be some reason for extending it, said
251 Mr. Gecas, if the commissioners wish to do so. Commissioner Branch suggested that if the board
252 wished to refine it then a public hearing would be needed. There are some sticky issues with the law
253 and interpretation.

254
255 Priority is the people who have sunk money into their property then were denied a building permit due
256 to this rule. Commissioner Hover said Okanogan County did take the initiative to put allocations on the
257 plat, but then we were told we couldn't do that.

258
259 Keep in place until additional feedback is received.

260
261 **Motion Ordinance 2021-8 Building Moratorium to Stay in Place**
262 Commissioner Hover moved to continue the ordinance as it stands Ordinance 2021-8. Motion was
263 seconded, all were in favor, motion carried.

264

265 Commissioner Branch closed the hearing.

266

267 **Discussion-Delta Dental and Minimum wage- Shelley Keitzman**

268 Ms. Keitzman discussed AFLAC and they offered a group situation. Our brokers reached out for better
269 rates, so she would like to put this out to employees as it is about a 50% reduction. Commissioner
270 Hover said yes, and the others agreed.

271

272 Ms. Keitzman provided information on Delta Dental and options to buy down the increase. She outlined
273 the scenarios for 2022. The premium would be \$82.30 a \$4.30 increase than what we pay now. She
274 looked at the union contract caps and if we elect 6.5% that would put us close to the current cap. It is
275 a balance.

276

277 Salary charts were reviewed. Ms. Keitzman made suggestions to address the minimum wage
278 increase. (attached)

279

280 Salary threshold for exempt employees will also increase. It really skews the exempt employees.

281

282 An exempt employee would need to start at step three to meet the salary threshold. Impacts to
283 employees were discussed. It could be worse if the cpi is any higher.

284

285 **Fair Advisory Committee Appointments-Telephone Interview JR & Chantry Leslie**

286 Commissioners interviewed a married couple and asked questions about why the two wished to serve.
287 The couple lives in Oroville. The couple is involved in the fair because of their kids.

288

289 Commissioner Hover moved to direct the Clerk of the Board to draft two appointment letters to the
290 FAC. Motion was seconded, all were in favor, motion carried.

291

292 **Motion FAC Appointment Letter JR Leslie and Chantry Leslie**

293 Commissioner Hover moved to approve two fair advisory committee appointment letters Position #3
294 JR Leslie and Position #6 Chantry Leslie. Motion was seconded, all were in favor, motion carried.

295

296 **Review Meeting Minutes**

297

298 The board adjourned at 4:00 p.m.

299

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