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**RECORD OF THE PROCEEDINGS**

**OKANOGAN COUNTY**

**SEPTEMBER 10, 2018**

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9:00 AM Review Commissioner' Agenda and Consent Agenda  
9:30 AM Executive Session RCW 42.30.110 (1)(g)  
10:00 AM Executive Session RCW 42.30.110 (1)(i)  
11:30 AM Okanogan County Exit Conference State Auditor  
1:30 PM Discussion Wolf Protocol Follow-up-State and Federal Agencies  
To follow Update Planning-Perry Huston  
4:30 PM Review Meeting Minutes

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The Okanogan County Board of Commissioner' met for its regular session on September 10, 2018, with Chairman Commissioner Jim DeTro, Vice-Chairman Commissioner Chris Branch Commissioner Andy Hover and Laleña Johns, Clerk of the Board, present.

**Review Commissioner' Agenda and Consent Agenda**

Commissioner' discussed the Fair that happened over the weekend. There were few complaints about the main gate being relocated. There was some concern about senior access and it was thought shuttles may be used next year.

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

Commissioner Branch moved to go into executive session at 9:30 AM for 30 minutes inviting Engineer Josh Thomson, Ben Rough, Perry Huston, and Tanya Craig to discuss and review the performance of a public employee. Motion was seconded, all were in favor, motion carried.

Executive session was extended fifteen minutes at 10:00 a.m.

Executive Session ended at 10:15 a.m. no decisions were made.

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

Commissioner Branch moved to go into executive session at 10:15 AM for 20 minutes inviting David Gecas and Josh Thomson, to discuss pending litigation to which to which the agency may be a part or likely to become a party. Motion was seconded, all were in favor, motion carried.

Executive session was extended 10 minutes at 10:35 a.m.

Executive Session ended at 10:45 a.m. no decisions were made.

**Okanogan County Exit Conference State Auditor**

Steven Gadd, Jake Santistevan, Susan Speiker, Pam Johnson, Leah McCormack, Perry Huston, Josh Thomson, Mike Worden and Rocky Robbins were present.

Mr. Santistevan introduced himself to the board and explained the States audit vision is to increase trust in government by increasing citizen trust toward the entity whose responsibility it is for handling public funds.

52  
53 Mr. Gadd provided the audit results and explained the audit period was January 1, 2017  
54 through December 31, 2017. (attached)

55  
56 The test areas were:  
57 County road levy diversion  
58 Solid waste department fuel card use and cash receipts  
59 Cash Receipting-County Fair  
60 Payroll-Employee salaries and wages  
61 Vendor Payments  
62 Selected IT security policies  
63 Financial Condition and fiscal sustainability

64  
65 Mr. Gadd further discussed the county's management letter which focused on the  
66 Fairground Activities. Ms. McCormack asked what the auditor is looking for in terms of  
67 control, weekly monitoring and what department would do the monitoring. Mr. Gadd  
68 stated that is up to the Commissioner' and suggested more frequent monitoring would  
69 be good. The facility rentals are the most at risk, more than the fair, he said.

70  
71 Mr. Gadd went over the financial statements and federal single audit report. (attached)  
72 There were no significant deficiencies in internal control over financial reporting nor were  
73 material weaknesses found. The auditor had to include another federal program which  
74 was Highway Planning & Construction Cluster Program as prescribed by Uniform  
75 guidance due to Type A and Type B programs.

76  
77 Mr. Santistevan explained when a Type A has not been audited in a couple years it  
78 actually triggers an audit.

79  
80 Mr. Gadd explained that Cari Hall has volunteered to help county departments with their  
81 grants, so the accountability information is provided to her timely and accurately so her  
82 schedules are truly accurate. Mr. Santistevan stated some grant amounts are more likely  
83 to be left off when the accountability information figures are not accurate and this sets up  
84 a scenario of audit failure and would not have met the federal audit requirements. One  
85 step is to hone into the schedule to identify if there is any missing information.

86  
87 Mr. Gadd explained that a copy of the DRAFT representation letter is to be provided with  
88 the audit documents. He went on to discuss the audit costs and how those charges and  
89 expenses were compiled. Commissioner DeTro stated his disappointment in that the  
90 State Auditor must bill us to perform our own audit.

91  
92 Mr. Santistevan explained that normally a survey is sent out after the conclusion of the  
93 audit. He welcomed the commissioner' to participate in the survey to provide open  
94 feedback. What went great and what went poorly or not as expected. It does get viewed  
95 by State Auditor Pat McCarthy and staff to see if there are trends that need to be  
96 addressed or corrected. The group thanked the county and exited.

97  
98 **Discussion Wolf Protocol Follow-up-State and Federal Agencies**

99 Present for the meeting were: Okanogan County Sheriff Frank Rogers, Sgt Tony  
100 Hawley, Communications Officer Mike Worden Under Sheriff, Joe Somday, Steve  
101 Brown, Planning Director, Perry Huston, Planner Char Schumacher, Planner Angie

102

103 Hubbard and Risk Manager Tanya Craig. US Forest Service, Ranger Matt Reidy.  
104 Washington Department of Fish and Wildlife, Jim Brown, Sgt. Christensen WDFW Law  
105 Enforcement, WDFW Eric Nodd law enforcement. US Fish and Wildlife Brad Thompson.  
106 Vanessa Con, Eric Merrick, Rich Ganns, Alec Crook, Nancy Soriano and Gina McCoy,  
107 The audio recorder was turned on, per Commissioner DeTro.  
108

109 Commissioner DeTro opened the meeting up asking for a roll call. Afterward, he stated  
110 the purpose of the meeting was to follow up on previous discussion on Wolf incidents  
111 protocol. Steve Brown and Sheriff Rogers were asked to the table along with Jim Brown,  
112 Brad Thompson, and Perry Huston.  
113

114 Mr. Brad Thompson recaptured the previously discussed objectives. These were based  
115 his memo and established protocols for each agency that are standing orders. What kind  
116 of info could go to the public that would help to minimize the conflicts and attend to the  
117 highest degree of safety for our citizens? He provided handouts Human Safety Comes  
118 First in an Emergency, and the Memorandum. Commissioner Hover stated this meeting  
119 goes beyond wolves; it extends to all federally listed species.  
120

121 Mr. Thompson thanked the board for this opportunity to contribute to the agenda and a  
122 continuation of a topic important to the community. The memo from his regional office  
123 addressed a broad spectrum of species. (attached)  
124

125 Mr. Thompson provided a statement supporting the evidence and need and discussed  
126 safety. (attached) The information in the statement is part of his tailgate discussion with  
127 employees and is a good general reminder to citizens too. Commissioner Hover asked  
128 what the USFW employees' impression was of the statement. Mr. Thompson replied  
129 safety cannot be stated enough and we should not assume people know what to do in a  
130 similar situation. The situation it did bring home the need to make people aware of what  
131 to expect in the woods but on a consistent basis. The recent issue reinforces that this  
132 should be revisited on a regular basis in order to make it clear within the agency as to  
133 proper protocol. Mr. Thompson spoke about the Memorandum to All Region One  
134 Ecological Services Employees as well as the email to the WFWO team. He said it is full  
135 of Clear Repetitive language to articulate human safety as the highest priority. The  
136 email went out to all employees, but also went to leadership teams reporting to Mr.  
137 Thompson. They agreed it isn't enough to just send out an email, but wants to ensure  
138 everyone opens it, reads it and understands it and has an opportunity to ask questions.  
139 Employee supers are required, in all three offices Lacey, Spokane and Wenatchee, to  
140 engage with their units of work and those working under them, to sign and acknowledge  
141 they understand the message.  
142

143 Mr. Thompson went on to discuss the dispatch system. What is Okanogan County's  
144 understanding of his position?  
145

146 Director Huston asked if anyone had comments at this point. WDFW, Jim Brown  
147 commented on Mr. Thompson's information. Mr. Brown explained how the situation was  
148 constrained by the species act and realized there is ownership on their account since the  
149 incident. He has spoken to the director and he wants us to know that human safety is  
150 paramount to the agency as well. Commissioner DeTro explained his previous  
151 conversation with the Director about this and the Director did convey the same priorities  
152 to him.  
153

154 Commissioner Hover explained it was good to come together to go over the memo and  
155 understand that agencies also think human safety comes first. Sheriff Rogers said this is  
156 a first step towards the right direction.

157  
158 Commissioner Hover said one important piece of public outreach, is having the forest  
159 service here as he thought they could look into putting some signage up at trailheads to  
160 educate people. Forest Ranger, Mr. Reidy, replied that the Forest Service is working on  
161 that and has gotten information for a brochure but it has not been drafted yet. They are  
162 in the process of getting it to the point it can be reviewed by their peers. It will include big  
163 wild animals such as bear, cougar, and wolves and how to avoid a negative experience.  
164 There are some good examples of what other states are publishing online and that  
165 information has provided some good ideas. He hopes to begin to review it soon.

166  
167 Mike Worden explained dispatch protocol and what rolls and response protocols are to  
168 be used.

169  
170 Mr. Thompson said that an appendix originally accompanied the memo and it highlighted  
171 additional info for field staff on how to communicate with other agencies, how to use  
172 section 7 consultation processes, and provided a formal way to engage with others to  
173 make available early on guidance independent of getting the call. To protect life and  
174 limb, action agencies should go forth with their action then catch up with the department  
175 later on fire incidents.

176  
177 Commissioner Branch added that law enforcement is involved from each agency, and  
178 when law enforcement responds it is his understanding that human life be priority one.  
179 His hope is that all the agencies are focused on human safety. The good thing is that  
180 everyone is sitting at the table today to hear the message.

181  
182 The response protocols were discussed. Mr. Thompson is actually hoping to get  
183 educated on this topic too as he doesn't actually oversee the law enforcement part of his  
184 agency. The overall goal is to come up with a confirmed loosely understood protocol that  
185 doesn't rely solely on a dispatcher. They may not need to go through the red tape. He  
186 wants to get to the point where the dispatcher responding to a human safety concern  
187 goes ahead and contacts the next person who would supply the next set of resources  
188 without first getting the "okay" from WDFW.

189  
190 Commissioner Hover would like reassurance that responders respond appropriately to  
191 the calls and not say something like "don't worry they won't hurt you." Their response  
192 should be appropriate for the situation.

193  
194 Mr. Brown remembers the conversation around cougars in years past. He said the  
195 county and his agency functioned well together to work out issues. The Forest Service  
196 has done a stellar job correcting the situation or this conversation would not have gone  
197 down this way. With a lengthy history of training and conversations, things are different  
198 now. He thinks there is confidence that officers are trained which gives a good sense  
199 that trust will follow. People's perception is different now when it comes to the different  
200 kinds of animals perceived to be dangerous. There are many elements that are just not  
201 known until the call. Mr. Thompson replied that the perceived threshold of danger is  
202 different for everyone. The email was very clear about stating the level of emergency.

203

204 Director Huston said the understanding is that when a call comes in, that a safety officer  
205 will be dispatched, what happens next as Jim Brown previously explained is that an  
206 officer is dispatched or one is called out if one is not available to respond. The  
207 department needs to know what happened so the cavalry is not sent for an animal that is  
208 just walking along the trail. When an animal is in the act of depredating, that is a different  
209 story, and they would expect their officers to take that call. The animal incident would  
210 need to be investigated and that would be WDFW's responsibility.

211  
212 Sheriff Rogers said there are such a mix of questions and answers depending on the  
213 situation.

214  
215 Mr. Brown said the department is already going through a NEPA process and this  
216 situation highlights what concerns it should cover. Regardless of what comes out of the  
217 alternatives there is a possibility of reintroduction. Still to figure out, is what can be done  
218 with animals that cause problems. They will deal with the calls and he wants to know  
219 what tools he has.

220  
221 Forest Service Ranger Mr. Reidy stated in most emergencies and if they have telephone  
222 service they will call 911, but when telephone service is not available then radios are  
223 used and the call goes to NEWCC and/or SWICC. Commissioner Hover thought they  
224 would not be in telephone range most of the time and so the radios are typically used  
225 and those contact NEWCC and/or SWICC dispatchers not the local dispatch center.

226  
227 Director Huston stated he will work with the county dispatch and Mr. Thompson to draft a  
228 memo outlining the conversation today. Public Outreach is being worked on via a  
229 brochure. Director Huston asked if the legal authority would be included in the Forest  
230 Service brochure. Mr. Reidy stated it would not be in the brochure, but another agency  
231 would be better suited to provide that information. Commissioner Hover provided a  
232 scenario where he is on a trail with his dog and his dog is attacked, does he have the  
233 right to protect his animal from the predator? Mr. Brown said human safety is number  
234 one. Ms. Craig stated it isn't that black and white. Sgt Christensen explained absent  
235 threats, there is a jurisprudence and not law; he further explained what the ESA says  
236 about it. What complicates things is the interpretation of the law and the protection of  
237 self-versus property as each situation may be handled different. Commissioner Hover  
238 stated that could be the reason.

239  
240 Commissioner Branch added that the Tourism Council advertises the whole county to  
241 tourists including trails where wildlife may appear and he believes those should also  
242 have this information posted there as well as sportsman's shows.

243  
244 The public needs to be educated about the wildlife here. WDFW should be the entity that  
245 educates the public and provides the outreach. Commissioner Branch pointed out that  
246 we talk about how we respond when we get a call about a wolf threat but the public  
247 doesn't normally have a satellite phone like the Forest Service research person. In the  
248 case of the general public, they will unlikely have phone service to make the report,  
249 making public education a priority. Commissioner DeTro reported that a cell phone will  
250 work for 911 most anywhere. Commissioner Branch inquired with those present; there  
251 was uncertainty amidst the group.

252  
253 Jim Brown shared the wolf collar data sharing agreement with the commissioner' and  
254 Sheriff. The county may designate individuals to receive the information of the collar

255 data, but it is only assessable through secure login. Mr. Brown explained the whole  
256 agreement is under review, so essentially this agreement is the interim agreement draft  
257 until the changes are approved in the new draft. (attached) Counties do have access to  
258 the data once the agreement is in place. There are some windows where the data won't  
259 be available during whelping time. It is a new process in the Region, he said.  
260 Commissioner Branch asked about how the info is disseminated and Mr. Brown  
261 explained the agreement outlines what info is to be disseminated. He explained the data  
262 which shows the wolves travel long distances regularly. For example, recent data  
263 showed that one wolf traveled to Canada and back in one day.

264  
265 The need for a next meeting was discussed. Mr. Thompson explained he would like to  
266 continue to establish a higher level of trust and sees another conversation may be  
267 needed. He thinks that finding a way to establish regular communication among the  
268 group members to maintain and build upon what has been discussed today, will be  
269 important in moving this forward. He is open to coming back anytime to meet with the  
270 board.

271  
272 The Commissioner' thanked everyone who attended the meeting today and moved on to  
273 the next business item.

274  
275 **Update Planning-Perry Huston**  
276 Commissioner Hover handed out an MOU from the Partners for Rural Washington and  
277 thought that David Gecas should also take a look at it. There isn't enough coverage and  
278 it might be a good pilot project.

279  
280 *Interim Water Availability Study Areas*  
281 Director Huston said the public hearing for the study areas is set for Sept. 18 at 3:30  
282 p.m. The hearing is set in order to hear comments about the study area and to consider  
283 adopting interim controls which would then route to the Planning Commission. He is  
284 creating a staff report for the hearing and describes what the study would actually look  
285 like. The environmental review, in-stream flows, and senior water rights are important  
286 pieces and he is contemplating whether or not to generate a survey to encourage to the  
287 water right holders get a handle on which rights have gone through adjudication or have  
288 impairments and what the holders actually believe their right is. Commissioner Hover  
289 stated that would be hard to accomplish as many people will be on the defense and he  
290 thought an optional survey might be a softer approach. Director Huston explained many  
291 of those calls are fielded by his office already. The point is that the senior water right  
292 holders are first in line for impairment.

293  
294 Commissioner Branch thought it was important to understand the area and inventory  
295 what we actually know of the basin and then discuss what folks experience today. Ms.  
296 Hubbard showed the Malott area data from 1976 through 2017 to show base flow rates  
297 in the Okanogan River.

298  
299 Commissioner Hover said DOE sent letters out to users with daily flow information that  
300 states the season water usage may restricted and why users must first check flows  
301 before using their water, that is if you are a junior user. Ms. Soriano commented on the  
302 sub basins surface water rights being shut down every year to junior users for six  
303 months of the year. Commissioner Hover said that rule will be re-written. How the rule is  
304 written now, it says in-house domestic use can be permitted. The instream flow rules  
305 were discussed and how they will impact what we are trying to accomplish.

306 Ms. Soriano stated the portion of the 1976 in stream flow rule that she sent to the board  
307 was provided by FutureWise and is still relevant (attached) and she doesn't believe it  
308 disqualifies. The question is, is there hydraulic continuity in Tunk Valley, she would say  
309 yes, and continuity is assumed. If someone wants to build a house based on ground  
310 water she said it is up to the applicant to prove there is hydraulic continuity.  
311 Commissioner Hover read from WAC 173-549.

312  
313 Director Huston asked for further direction from the board on this matter. There are  
314 graphs showing flow and meter readings and initial buildable lands map which will get  
315 buffed up.

316  
317 Commissioner Hover informed the group that there are grant funds that will help tie wells  
318 to parcels. The Watershed Council in WRIA 48 put in an application to DOE for metering  
319 and along with that they wanted to revamp their data base so they have the same info  
320 that the county uses. The Council asked him about that, because eventually we have to  
321 provide a report to DOE on how many houses or improved structures are contained in  
322 each reach and that is how they count our usage. That is an easy number to come up  
323 with, but he isn't sure what the requirement is for a single house. Do we want to know  
324 how many residents they will count against the usage? Commissioner Branch asked if  
325 there was a memorandum of understanding or other document that ties the Methow  
326 Watershed Council grant application to the county. The Watershed Council is not a  
327 nonprofit. Director Huston stated much of what they were going to do is the same as  
328 what the county wanted to do. The water meters and aspect study are good things to  
329 demonstrate use, but that would be additional work.

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357 *WRIA 49*  
358 Director Huston provided the Water Resource Inventory Area #49 list of proposed  
359 Planning Unit members. The letter did go out to CCT and they have not yet decided how  
360 they will participate but they are in discussion. Staff will reach out to groups they have  
361 not yet heard from. Commissioner Branch asked if the Columbiana was on the list, as  
362 they had sent him a letter about participation on the planning unit. Commissioner Hover  
363 would like to defer participation in the WRIA 49 watershed unit to the other  
364 Commissioner'. Commissioner Branch stated he also has a big interest as he was on the  
365 Watershed Planning Unit in the past representing the cities of Oroville and Tonasket.  
366 Commissioner DeTro stated he would.

367  
368 The local capacity grant uses are still being determined by Ecology.

369  
370 *VSP-Update*

371 A meeting is coming up on Thursday Sept. 13 and we are still on time in getting the  
372 submittal in. The technical advisory board will transfer the plan to the county  
373 commissioner' once they have finalized it.

374  
375 *Comprehensive Plan Review*

376 Redrafting the alternatives, because of the discussion and focus on population he will  
377 reduce to only three alternatives with one being no action, directing growth to city  
378 expansion areas, and the other a more even distribution because in his mind it captures  
379 a good policy direction.

380  
381 Commissioner Hover stated if we have the historical population data to determine where  
382 it will put us and we think about Washington State growing faster than other states, what  
383 information is being used to determine population data. Commissioner Hover would like  
384 the data sets that were used to determine population.

385  
386 The board adjourned at 5:00 p.m.

387