

Board of Okanogan County Commissioners

Tuesday, June 4th, 2024, 9:00 a.m.

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Present:

Andy Hover (AH), BOCC District 2
Chris Branch (CB), BOCC District 1 (via Zoom)
Laney Johns (LJ), Clerk of the Board
Char Schumacher (CS), city planner
Pam Johnson (PJ), Treasurer
Cari Hall (CH), Auditor
Mike Worden (MW), Dispatch Center
Miss Jackson, local resident.
Albert Lin (AL), Prosecutor

Time stamps refer to the time on the wall clock. An AV Capture archive of the meeting on this date is available at:

<https://okanogancounty.org/departments/boards/livestreamingofmeetings.php>

Summary of Important Discussions:

- *Hadley Road long plat near Brewster "pre-approved"; discussion on urban encroachment on ag land, Round Up use, comprehensive planning*
- *County transitions to new accounting software, junior districts must pick up slack, manage own reporting, invoices*
- *Dispatch now fully staffed, radio project discussed, morgue/sheriff's building demolition "good to go"*
- *Brainstorming on strays: change in city ordinance? Animal control officer?*
- *County engineer says landowner's road "improvement" needs fixing, proposes wage scale changes, assistant engineer and designer sought, Rodeo trails roadwork, Twisp-to-Winthrop trail discussed*
- *Prosecutor obtains raise for Assistant Prosecuting Attorney, conversation about workloads, criteria for raises, rising cost of public safety, land use litigation, balancing "challenges" and economic development*

8:58 - AH asks LJ about the signing authority of Court Administrator Dennis Rabidou whose last day is June 6th; LJ says it has been extended a couple of weeks so he can train the new administrator, says maybe there should be a resolution authorizing a person to sign when replacing a position, removing the authority of the resigning employee. AH appears to agree. CB arrives, greets SC. Meeting opens with Pledge of Allegiance.

CS: Before you is the Hadley Road long plat. (*Inaudible*.) The Hearings Examiner recommended renewal. (*Inaudible*) requiring a cultural survey... just made that a requirement.

LJ: Cultural Sewer Guide? (*Laughter*.)

AH: If it was cultural in Okanogan County, that would be really bad.

CS: (*Inaudible*.)

AH: So it's preliminary approval... (*They look for the document in their emails. LJ says she didn't print it out.*)

CB: "Pre-approval". It sounds like a credit card application. Hadley Road, where's that?

CS: It's county road. It's down by Gebber, Monse area.

AH: How many lots is it?

CS: Six.

AH: So there's no water restrictions down there, are there? (*No.*) How far off the river is it?

CS: There are two parcels between this parcel and the river. (*Inaudible*.)

CB: It's outside of the shoreline? (*Yes. CS says it's seven miles from Brewster.*)

AH: I notice there's a lot of pivots around that area. Under county code, it's the right to farm portion of our code, right, on the face of every plat? *Asks if buyers receive a copy of the plat, CS says yes, on every title. I have been involved in issues now where people believe that farming operations are negatively impacting them, even they're the ones coming in late and the ranches have been there since the sixties or whatever. That's the way it is. CB asks if they have senior water rights. CS and AH say it's about the noise, fertilizer spray, every day farming practices.*

CB: Eventually you'll have enough subdivisions next to farm lands, they'll sign a petition to make it go away.

AH: Believe me. I'm with you on that one. You have to have half of housing. If you look at everything, we're mostly farm lands. I don't know when the last time you drove up Twisp River was. (*Last fall.*) You know where all the garlic and potatoes are? You look at how many houses are around there (*and no one has issues about that*). It's just making people aware of what activities there are in Okanogan County. With the Comprehensive Plan one of the things we've talked about is agriculture.

CB: Clearly, if they're adversely affected, eventually there will be push-back. The Comprehensive Plan has to be good enough so there aren't any problems.

AH: It's hard for commissioners to help with agriculture directly. What can we do to keep people farming?

CB: Plan, to avoid land use conflict. In Oroville you're at the edge of town, there's farmland all around, and there's a proposal for a multi-family development. So there was give and take, because that farmland was in their urban growth area. They made some conditions. The farmer actually agreed, to avoid conflict, because that land was residential. One of the farmers actually sold their water right. That was transition. In the end, the farmer would notify if they were going to spray their orchard.

AH: You do that, and you almost set yourself up for people's perception of what that is. Round Up has come to people's attention as (being) a carcinogen. The problem is that people don't really read what this came out of and how it was being used. You talk about wheat or corn and sometimes they spray several times for that, sometime's they're spraying constantly, every single year. And now people have this idea that Round Up is going to kill us. When it's like one application—we hate to spray but we do it once every seven years. That's not going to affect you.

CB: What's going to affect you more is (if) you're the applicator. You have more risk. ...But in that case it was in the urban growth area. That guy (understood). These conversations are good to have. (Reads the document) You had acknowledgement of farm operations.

AH: The road system's good. *There are internal roads leading to the county roads. One of the conditions, says CS, is that public works (?) receive access permits. CB says it's in the general vicinity where there have been wolf appearances, but the situation seems to have fixed itself.*

CB: I move to grant preliminary approval of the Hadley Road long plat, 2023-1, subject to the attached findings of fact, inclusions of law and conditions of approval. Motion carried. *Miss Jackson is asked if she has any public comment; she says these are very important topics to talk about to protect the people and their rights.*

9:20 - *May 20th, 21st and 28th meeting minutes are approved. AH asks LJ if she'll be doing the Wednesday walk-through, for the courthouse renovation bid. She says Tim Meadows from Maintenance will guide them around. AH mentions a safety committee meeting and EMS budget discussion Wednesday morning; LJ says the one will use the conference room and the other has been moved to 11:30. PJ and CH arrive.*

9:25 - PJ: This is the Okanogan County Finance Committee Round Table. We had our investment—I don't have the cash on hand. *AH asks about interest rates on their bond investment. PJ says still at 5.5%.*

AH: For our LATC (Local and Tribal Consistency) fund in particular, could you put what we budgeted for revenue for interest versus what we've got so far to date? And current expense interest versus budgeted? *That will be in the finance report, says the auditor. AH wants to see this because they budgeted for half of what they thought they would get.*

PJ: You saw our arbitrage report on the LTG 01?

AH: I saw we didn't have to pay yet.

PJ: Yes but I've calculated we're down as owing \$34,681. *AH—that can be taken out of our calculated interest?* Yes. We have to pay that five years after we're done or as soon as we can close out this fund.

AH: The interest money is technically not ours.

PJ: That's why they set that up, because people were borrowing money and turning around and investing it to make more money. I just wanted to make sure we keep in mind that \$35,000 will be taken out of that. *AH says they have plenty of money to pay the arbitrage. He knows they can spend the interest but will need to pay the arbitrage because they got the bond at low interest and then interest rates shot up. And we're getting close to our third year.*

9:31 - AH: We're signing contracts for the demolition (*at the morgue/sheriff's storage locale*) and hopefully we'll get the contractor to get that building built. And tomorrow we're talking with MJ Neal about the courthouse, they did a re-think about the courts, and we'll know what they're thinking down there (*the So. 2nd Ave. building*). Where are we sitting with the Aeneas Valley Irrigation District?

PJ: We were able to pay some of them off after first half taxes. Now they're at \$118,869 and the next big chunk is— ...We were able to pull everything from 2023 up to February 2024.

AH: So the next payment is a \$60,000 chunk?

PJ: Yes, and they just turned in a rebate check from the PUD...

AH: That's good. I feel a lot better about that.

PJ: But of course they're coming into their peak season. (*But with new pumps*) we're hoping that can drop down.

Munis Implementation - *CH explains that the new software has a tracking part and a payroll part. They are excited about a new trainer who is "fixing a lot of stuff". We have all the vendors in, with clean-up happening now in my office. We'll be scanning and charting all the W9s in the system. She explains that the new system has been used as a tracking system and to go to an accounting system requires going from "linear" to "table driven", which creates a "huge issue" and has taken "months and months", entering info from all the departments.*

CH: When we get down to the junior districts there's a lot of detail we just can't accommodate. Both of us reached out to the state auditor. We want to assist our districts... but the county and the complexity of our system have to come first. Some of these districts have their own systems and the fact that we're having to create this extreme detail for them when they have their own systems is us paying for it and then paying for it.

AH: I'm not sure what they're asking of you as far as the reporting goes.

CH: For example, we have a fire district... that has twelve small tools and (*inaudible*) codes. Because they tie it to each truck. That is something I can't accommodate on Munis because it's a reporting system. According to the state auditor we are not required to keep the detail. ...I do want to help (*the districts*) but the complexity of reporting has gotten more and more— There is a difference in what our roles are for the county and what they are for the junior districts. I don't get their bills but a list of equipment with a list of vendors and amounts, signed off by their board. ...I have a staff member who takes

days to enter all of this stuff. ...In Munis every segment (*between the district's accounting and the county's*) has to mean the same thing (*compared the old system which allowed adopting the district's labeling*).

AH: Where is it electronically generated? Is it an Excel spread sheet? (Yes.)

CH: I've sent emails to all the districts (*talking about this*). ...They have to send a signed PDF for me to write a check, as required by RCW (*Revised Code of Washington*).

AH: Let's give them some initial help. There must be an Excel spreadsheet tailored to what you want. ...If there was someone who created one for them... *CH talks about Munis' treatment of invoices and grants, things that are done on a county level and not on a district level.* I'm going to have to send out the charge accounts to everybody and send a letter to explain why we can't do the level of detail that they've been wanting in the past. I've tried to preempt this with a phone call, because there seems to be a misconception as to what our role is. They're expecting a certain level of detail, to the detriment of our two offices. What we'd like is for the Finance Committee to sign a letter explaining that we're transitioning to a new accounting system and we really need to have meetings to discuss the level of detail that we can help them with or assist them in easy ways to track stuff that they need to track.

CB: It seems inefficient to me to have them engulfed in the county.

CH: A lot of districts can become their own treasurer but their board has to agree to it and we have to agree to it.

PJ: They have to show that they have the ability to track their own stuff.

CH: ...By RCW, if they're not their own treasurer, it has to come through us. We're not allowed to charge them, and we only have to report it as "here's the remittances out and here's the remittances in. We don't have to have their budgets in our system. We're one of the few counties that want to assist them, the problem is we're getting to that breaking point.

CB: Maybe it's an opportunity. Maybe they could better manage their own districts if they were doing that stuff. It's just fraught with problems that could emerge with districts not having that full attention to their own finances.

AH: ...If I just had a spreadsheet and put in (*that*) I just spent \$20 on a part. Somewhere you have the connector that sits in your budget that says now you've taken \$20 out of your budget. Most people can't build that so you have to either have a purchased program or someone build an Excel spreadsheet.

CH: I have helped districts. We're not supposed to give advice, just tell how we do it in the county, so they don't come back and blame us if they did it wrong.

CB: If I don't have the capacity, then the county's going to do it. So why would I have the incentive to do it? *AH says all they have to do is report total expenses and revenue.*

CH: Most of them are such small districts that it would make absolutely no sense to have their own treasurer. But they don't require the extreme detail the larger ones do, the complexity. They're taxing districts. They get the taxes for what they have to do but...

we're both (PJ and I) paying for it. CB recommends reminding the districts that the state auditor is willing to train and help them with their accounting. He remembers when Oroville was using the bar system but not Excel. CH repeats the need to draft a letter asking how they can assist districts in becoming more independent and provide what the state auditor requires. Historically some districts have sent their invoices/"V-certs" to be either paid for by the county with a lump sum to the district or individually, directly to the vendors. Sometimes the vendors are getting their checks but without the "remits"... so they're not applying the payments rights and the districts are getting mad at us. ...Or we send the checks to the districts and they lose the checks, and we have to wait 14 days before we can re-issue them. Now we tell them we're not going to pay the vendors anymore, but they don't want to wait for the check to arrive or drive down to get it. ...I think when they start out, they automatically think they're part of the county. I don't know how much they understand of what their obligation is. There's a disconnect.

9:57 - AH: We can give them resources.

PJ: They have people in their group that they can reach out to. *CB talks about an employee who gave advice to people through MRSC (Municipal Services and Research Center).* CH laments that the county can't charge for their services but they're mandated by law to administrate these finances. The detailed processing they were used to is too big a job coupled with the work of adapting to a new accounting system. AH complains about the state auditor advising his cemetery district to contact him. CH adds that an EMS district (Methow's) asked to change the billing schedule. She must explain to them that the checks can be issued and approved after the fact in a board meeting.

CB: We're not approving any "V-certs", it's the bill we pay the contractor. ...I think this is a little bit goofy. *He talks about how they approve spending as the EMS districts, but are far removed from the actual finances.*

CH: There was a comment on the exit (*of the state audit*) saying "you have to have warrant numbers on your V-certs. Have the county auditor issue them with the county batch." Absolutely not. There's a reason why.

AH: I'm confused about the EMS districts. There are only a couple warrants we have to sign: the audit warrant, some advertising stuff sometimes, and a monthly check. ...So we have to have a check number on the item—*in the motion to approve the payment*, says LJ. So the process you normally do is us approve the making the check.

CH explains again the "Catch 22" of the warrant (check?) number needed to make the check, before payments to vendors are approved by the board, and that anything not approved should be corrected after the fact; the designated check-signer has to go about getting the money back. I wanted to have a conversation with the (*state auditor*). So I can understand what she really wants, and maybe we can come up with a right way to do it... The bars manual says "it may" include the warrant (*check*) numbers, and not "it must".

AH: Push back.

CB: In the context of that, it says "Cities, counties and districts may issue warrants."

CH: It's poorly worded. ...If you're in agreement I'll have a conversation tomorrow with the state auditor, and (*get back to you*).

CB: When we pay the bill for the EMS costs, we don't audit the costs.

AH: They get audited by the state. We are paying for a service. We don't have any say in how they run their business. ...We can only change contractors. *CB asks CH to bring the auditor their questions as commissioners of the EMS districts and as those who approve the funding. He doesn't see the bills that are being paid. ("We pay a lot of taxes over here. People like to pay taxes, where you live." Laughter.)* If you look at the extension of the EMS levy, our payments changed from .686 to 1.1 because of that levy jump. So their business is only on donations and what we provide over there. Air Methow, I agree we pay too little for the service they give, but they are a for-profit business with a larger footprint. The only effect we could have is increasing the district size, try to annex people into the district, which is probably not—

CB: It's like fire districts. If they're not annexed, they can get service, but they can be charged. *PJ and CH leave.*

10:24 - Dispatch Update - MW: Right now we're in the process of hiring our 12th and 13th positions (and are thus fully staffed) .

AH: What's the time frame for that?

MW: We'll get one applicant at a time. They turn in an application, do a skills test, background. I can usually (*process that*) in two or three weeks. Four to six weeks to get them started, four to six months training, rotating through different phases...

AH: Is there a reason you know of, why you've got people?

MW: The last few have been existing staff recruiting people they know to apply.

AH: You still have sign-on bonuses?

MW: Yes. You don't have the double time option. He mentions changes made in legislative session, telecommunicators, interest arbitrators, says something about financial pressure. *He talks too softly to be fully understood. It's now required to be a certified dispatcher.* On the plus side, ...training hours per year, formalizing the professionalism of the job. Revenue is up dollar for dollar but maybe a loss compared to inflation. We've had an increase in activity. Last week... (*he describes two "horrible calls", the details are inaudible.*) Moving onto the Tunk Mt. project, crews back up there working. This was (*inaudible*) Public Works, improving some bits of the road... The radio project: we're trying to refine the quotes, the cost for the equipment to be installed at (*inaudible*) sites. We're currently penciling in about \$3M per subscriber radio, cars to (inaudible) portable radios, and (inaudible) professional funding which we've managed through the USDA. ...from the legislature I'm anticipating about \$3M to be financed using the 161 fund (*inaudible*). The next big step, because of those funding opportunities, we'll take the detailed quote design, ...I expect that (*inaudible*).

10:35 - MW: The next thing is (*the building project on Railroad Ave., on the east side of the Okanogan River, north of the bridge*). They are waiting on the permit to demolish the existing building. He recommends the board sign a notice to proceed. He's meeting Wednesday with the demolition contractor. The commissioners tell him they will be in session Wednesday morning.

CB: So I understand the city's got the demolition permit already and you just haven't got it.

MW: That's the impression we've got. I was told we were good to go.

LJ: I don't think the permit itself came but we processed the payment for it. I thought there was a signature left on one of the items we brought down there. *MW leaves.*

10:41 - CB: The kiosk at Loomis that we were looking at doesn't quite have the room to accommodate a three-dimensional sign that takes up 10X10. Which means it would have to encroach on the adjacent property. There was a discussion about moving it to across the road.

AH: What about having the contractor shorten the roof line to about five-foot.

CB says maybe they could use lodging tax money to compensate a landowner: The example is the one we have at Carter Mountain, past Crumbacher. There's a kiosk that has a little roof over it. It doesn't take as much room as this. That's another option (to reduce the depth of the roof line). Animal Ordinance - something was talked about at OCOG (Okanogan Council of Governments); CB had a call from someone in Tennessee, part of "animal helpers", making comparisons. They have a program coupled with a prison or jail where prisoners are part of the animal shelter.

AH: That's an interesting concept. Ten or 15 years ago you could have done that but I don't know...

CB: They're probably in a "right to work" state. But it's not a top priority in Okanogan County. But there's an interest in changing the rules on how long you can hold animals because it's 72 hours for our ordinance, but it only refers to the ones who have been impounded. It's not talking about (*found animals*). There was talk about using municipalities, that they have in place, just a short term thing. I was talking to (*inaudible*) at the air shed thing, and she said they're not always full. So the sheriff's dept. does have an agreement with the city of Okanogan.

AH: Is the biggest problem the stray animals or vicious animals? (*Stray.*)

CB: There are hundreds over the year being shipped out of the county. That's where these small non-profits are out of capacity. And there's No Paws and they're within the limits of their conditional use permit. And if they go beyond it... and there's way more demand than they can handle. So that's what's going on. There are places on the west side where they do want animals. But space to keep them is problematic. I've been feedback from those folks, and there's the issue of maybe a joint animal control officer. I just met the one in Omak the other day. There's still a lot of interest, apparently. I suppose the difference between today and the past is we'd just execute animals. And a lot of the homeless folks have animals. There is a grant program for Support Center victims, of domestic violence, up to \$5,000 to provide shelters for those situations. Margo said (*pets are*) a barrier for people getting into the shelter.

AH: What's going to happen to the building that Community Action will move out of?

CB: That's going to be food distribution. Food security is kind of a part of that.

AH: I wasn't here when the animal folks came the last time. What would be the operating procedures if we had (an animal shelter)?

CB: It would be a short term. Our code says you have to hold them three days in the same place if they're impounded.

AH: Does that mean after three days they'd destroy them?

CB: In some places it's that way. ...It just depends on who's in charge. I think about when they did the wastewater treatment in Tonasket. When they dug that (*inaudible*) in the river they found all these bones. The guy said that's where they put all the animals they destroyed. ...They tend to find homes. If you look at the rules of how many animals you can keep, some people are beyond the limits.

10:54 - Public Works Update - JT: State track meet was a lot of fun. (*Inaudible*) did the javelin. Got 5th. *He passes out his report. Road work, a contractor to do chip seal on the Loomis Oroville will come Monday. Dura-patchers are here, doing a run-through with the machine.*

AH: They're peeling the side of the road off with a grader. Is that because it's getting cracked so bad on the edge?

JT: A lot of times they'll do that to get a better depth for patching. On North Star Road up the Chiliwist there's about a mile section where a property owner decided to improve the road. Same one who thinks every road everywhere should be crowned. The area supervisor has had a conversation with him. Told him he could either fix it and put it back or we'd fix it and charge him for it. Going to take several days. I do agree, you have a fairly straight road and you have decent drainage, a crowned road works. We don't have that there. ...In the spring you have one lane that's dry rather than half a lane if you had a normal crown. So he went through and he cut the entire road. A lot of materials were wasted, and pushed off where some we can't get back... It's a mess. You may hear from him 'cause he's pretty unhappy with us.

CB: That was his training program for your crew!

JT: He left wrinkles of material on both sides so there was no drainage. He actually took some material that he's generating that just fit and he put it down the middle of the road to try to smooth it out a little bit, ...so if you're driving down in your lane, the outside's really rough. ...I agree with the area supervisor. It's a mess. He lives farther up the road and has a small decomposed granite pit. *CB asks if there are other pits up there.* JT: After the Carlton Complex Fire, Gebbers did logging and the roads got messy; the agreement was that if they continued to log and tear up the road they would fix it, so that's why there's a pit up there. The Wildlife Council (*inaudible*) Acces, a document that I emailed to you, do you have any issues with that?

AH: Didn't we sign it? *CB doesn't think so.* I looked at it and thought it was good.

CB: It's kind of a revised agreement for access to, crush? Is that what that was?

JT: The Wildlife Council pit that we use, it's the shooting range. It doesn't have direct access. So this is us giving access to our county parcels so they can have access to their shooting range.

AH: And we get use of the pit. So, a year ago, in Winthrop, this guy, you've probably gotten the deal, it's right outside the limits of Winthrop on the East Side County Road, there's some little tiny county parcel that he wants access to. I've been like, no, I don't want to set precedence for everybody who wants access to a county parcel. But it's a worthless piece of property to us. ...It's on a hillside. Tax title property, says JT. I was thinking about our selling options on this thing. If it's deemed worthless, rather than putting it up for surplus, I think that we should look at how to dispose of that property. He asks LJ to forward some emails to JT.

JT: Wage Scales - The comparables are all over the board. I've got the designer position advertised since September. We've had one applicant who hasn't had a job for six months. Assistant County Engineer position's been open for six or seven weeks and zero applicants. Obviously we're not paying enough to attract anybody.

AH: So if we do that we have to raise your pay. JT will work with the HR director to find out what salary to advertise. CB wonders how tight JT's budget is. JT says some percentage could come out of a grant project. If they look at all the positions he gave indications the total annual increase is \$133,000, but only \$91,000 for the non-grant portion. Not including the engineering techs, the three positions would be \$47,000 versus \$26,000 (inaudible), and which includes an increase to his position.

JT: Walla Walla still has not found a candidate for an assistant County Engineer, and they're paying more. CB asks about the impact of not having this position filled. JT answers that everyone has basic responsibilities that cross over to other roles. AH thinks they can absorb the \$91,000 proposal. Eventually they'll have to cut positions and do less work, because they're a service industry. People's prices go up faster than the taxpayers' burden can go up.

AH: Roads are important but it's not one of the services that if it dwindled a little bit it wouldn't be missed, I guess. I don't want to diminish anything in Public Works but at some point the rate gets too high and then you get behind on—

CB: I'd assume that both County Engineer and Assistant County Engineer would be responsible for getting grants.

JT: They would be doing some GIS work. AH notes that some salaries look comparable to other counties'. JT says they're lower than everybody else. We have the first draft of the Transportation Improvement Program. We approved it in July. It includes the Cameron Lake Road project that has been officially closed; a safety project that wasn't selected but that they'll re-apply for; the Rodeo Trail/Fairgrounds section, a little piece of county and city, to .4 mile beyond the fairgrounds, not quite up to the road leading to the Casino. AH thinks that should be the limit. He'd like to see that intersection fixed. JT hopes the Tribe will fix the intersection by Tribal Trails. They had safety funds for that portion; there was some discussion of the Tribe doing something. It started out as a private driveway and they finally started getting the county to maintain it. It would take a lot of money to fix it. There actually is a design...

11:22 - CB: Leaving it is difficult, accelerating enough. There's one by the hospital in Omak. It bent the rotor on my car. Those things come up on you suddenly. You just tear the road apart. AH says they should wind up the report because the Prosecutor is scheduled. JT had a meeting to talk about STBG (Surface Transportation Block Grant) funds. He wanted to do a county-wide slurry seal project but faced hurdles including a

road project in Winthrop. He mentions Mazama parking lot paving. AH wants to make sure they're doing it right. JT will arrange a meeting.

JT: Methow Trails is looking for a grant for a Twisp to Winthrop trail. They want to get OCOG's blessing for it.

AH: They aren't getting my blessing for it, until they get every property owner that crosses the trail to agree to it.

JT: They want to start working on the hurdles. There are some sections they'd have to get a right-of-way. They're looking for about \$100,000 for finding a (*inaudible*) site.

AH: If it went along the road, I'd be all for it.

CB: But you don't know that. That's what a planning grant is for. That's all I have to say about it.

AH: I just feel that if I bless it, than I'm blessing the thing. I have a hard time with that. I understand what it is. It's basically ...me not wanting to push something on landowners. Why do they want OCOG to bless it?

JT: It's a federal grant they're going after. I don't think Methow Trails would be eligible for it. OCOG would have to be (*inaudible*), I would have to run the funding side of the grant.

AH: They've been trying this forever and ever and ever. You know the landowners. Let me think about that one.

JT: The grant application is due June 17th, the OCOG meeting to discuss it is next Monday. *AH remarks that Commissioner Neal is not there, asks CB his thoughts.*

CB: It's the concern about landowners being mad about something you're trying to do. My answer to that would be to try to do good planning so we can work our way through this. Figure out a route. You have these options. If you find out the route is totally opposed by certain landowners, you have to work around it. *JT mentions a consent agenda item about the Oroville road drainage project. Leaves.*

11:30 - Conversation with Prosecutor About Promotion for Assistant Prosecutor - AH:

Yesterday we had a resolution from you asking to promote a person from grade 2 to 3. Your legal secretaries—

Prosecutor's assistant: It's for an attorney. *AH reads that Deputy Prosecutor Thomas Paynter was hired at a grade 2, compares the classification with other posts. AL points out that there have been grade changes not updated in their documentation.*

AL: I have to look at experience level, training, development and retention. ...In the last year (*since I hired him*) I've had the opportunity to observe Thomas in (many appeals cases, homicide cases, post-conviction cases, decade-old cases. We were lucky to get him at grade 2. He has 25 years of experience. When I hired him to be an appellate attorney for my office I wanted to see how that work because traditionally this office has not had an appellate attorney. My judgement has come to fruition in terms of what I thought he could bring to my office... I want to take actions now so we can retain Tom in the future. *He has worked in King Co., in Washington DC. Appellate work demands research and*

writing. Recently we had a Murder 1st degree that's been sitting. Now that appeals (have been exhausted) it's ...issues of capacity post-conviction. It's quite complex...

CB: Fiscal impact on your own budget?

AL: Increase from \$128,000 to \$140,000. ...Every dollar counts. In the grand scheme of things I don't think it's asking too much. *AH says including benefits that's about a \$34,000 difference.*

Assistant: Tom was a new position. Prior to that we had the elected, the chief criminal and two felony attorneys. We still have them. We had two attorneys in District Court, still there, and a chief civil. We had appeals building up. Now with five class A felonies in the last six weeks, once those are completed those will all be appealed. And he's been helping with all of the research.

AH: It would be nice to have this conversation prior to getting a resolution. Having a discussion instead of just getting a note without your thoughts on what the impact is. I negotiate all the labor contracts. When you look at your DPA 1 position and DPA 2 position, what is your position on promotion? What is your criteria? With the Assessor's office it's easy. You take a test and move from 1 to 2. Is there always going to be a DPA?

AL: This is unique because we're talking about... an area of specialty. It's unique. The bottom line is, getting attorneys to work in public law is getting more and more difficult. Years ago people wanted trial experience. You always had a pool of candidates... CB moves to approve resolution 26-2024 to promote Deputy Prosecuting Attorney Thomas Paynter. *AL promises next time to make an appointment to discuss this type of resolution. CB says he wonders if an experienced attorney is going to stay. AL points out that as an appeals attorney he can work remotely. He will be moving his family over from Seattle.*

CB: I'm thinking about what Commissioner Hover said, about union standards, about how people want to see prosecutions stick, the sheriff's department. All this stuff is connected. The good news is that you're not coming in here asking for another attorney.

AL: We need to have another conversation, about the entire structure of where we're headed. Because we're being told... in two or three years the number of felony cases that a prosecutor can handle is going to dramatically decrease, and how that's going to affect how my office is going to respond to it. You might recall in the past, before I come to you, I take the time to assess what our needs are. ...In order to keep people you need to show good will and in my opinion this is someone who's done good work. *AH seconds the motion, remarks that he doesn't know exactly how much it will cost. The assistant says \$35,000 sounds about right. She predicts the need for a budget supplemental because they're at 44% of their budget so far this year.*

(Assistant): They did a study a few years ago on how many murder trials a prosecutor can deal with. If I remember right from the report it was three in the professional life of a prosecutor. In the time that Albert's been here and in the next year he will have prosecuted six. It's a weight on the office—

AH: Public safety is what we spend the most on. *(With inflation)* eventually we're not going to be able to cover that cost.

AL: I'm going to have to make decisions, because of cost. The reality is I can charge all kinds of things. Even if we had the budget, to find the people to fill all those spots.

AH: All the people, or most of them, are indigent, and are using public defense.

AL: We're not getting money back from the people who commit crimes anymore...

AH: So we are still in discussion. The only further discussion is, if you're thinking of promoting them, come talk to us because right now we don't have very much money in our contingency reserve. I need to make sure we have time to figure out where we're getting these funds from. The motion is carried. The assistant talks about budgeting outside legal assistance. This averages \$25,000 a month. They will discuss this further at another time.

AL mentions cases around land use, says when he left and came back after six years it was still the same people involved. We're facing... how we use our land, how we use our water, how we build. There a lot of pressures that are coming... making those costs somewhat prohibitive. I don't see that that's going to change.

CB: That's true but the subject matter needs a lot of discussion. ...If we don't make wise decisions about how we grow it's going to cost us in another area as well. Some good long discussion about how land use planning works– It's not just a legal issue but has to do with what the future looks like for this county.

AL: The rules that are being made are not static. They're evolving...

CB: And our own rules that we change, there are a lot of lawsuits, one of the things– zoning is adjustable but what we do in the future, what we do to the landscape, sometimes isn't. It's going to cost us. It can cost us. The folks that are suing us are not thinking that. When you left, is there something that we might have done different?

AL: The decisions that the board has made in the past was based on things that were presented to you. You had to make decisions based on the realities of possible litigation. What's changed is not much because it's the same people involved and people that have a different interest. But you as commissioners believe what you believe about how this community should respond to these challenges, how you can have economic development and growth, and at the same time how the county can prosper, but at the same time look at the issues that exposes the county to lawsuit. It's not an easy task... AL and his assistant leave.

12:09 - *CB moves to approve the reappoint Arnie Marchand for the Lodging Tax Advisory Committee. Motion carried. He moves to reappoint Janet Warner to the Lodging Tax Advisory Committee. Motion carried.*

12:17 - *LJ reminds the Board that Rena Shawver (Community Action) in her update the day before said she'd be attending the Homeless Housing Coalition update the following week. LJ received an email from East-West Coalition asking to meet on the afternoon of the 17th. LJ says the Support Center wants to know if they will receive a reduction on their rental of the fairgrounds Agriplex for their networking event. CB says he thought they'd already given their answer, that they were people working together and they should support them.*

AH: Is it networking with who? That's the thing.

CB: I believe it's every player they can get, in the area they work in. *CB moves to approve the fee reduction. AH notes that they had discussed the fact that the participating groups worked for the common good. They determine it will be a 50% waiver, and will ammend the motion to this effect. Motion carried.*

12:29 - *Meeting adjourned.*