

Board of Okanogan County Commissioners
Monday, July 15, 2024 AM

JN—Jon Neal, BOCC, Chair, District 3
AH—Andy Hover, BOCC, District 1
CB—Chris Branch, BOCC, District 2
LJ—Lanie Johns, Clerk of the Board
IS—Isabelle Spohn, commenter
ES—Emily Sisson, commenter
NB—Nick Bates, Fairgrounds Manager
MG—Maurice Goodall, Emergency Management
Tim—Tim Meadows, Maintenance Supervisor
PP—Pete Palmer, Director of Planning
ARR-- Arturo Ramos Ramírez, Probation Officer
DS—Darla Schreckengast, District Court Administrator

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Summary of significant discussions:

- Pete Palmer, Planning Director explains the history of how a meat packing plant in the county came to require a conditional use permit.
- Arturo Ramon Ramirez, Probation Officer, and Darla Schreckengast, District Court Administrator discuss the possibility of charging the county's municipalities for probation services, just as they charge the municipalities for jail and prosecution services. Many counties in western Washington already do this.
- Pete Palmer returns to discuss ten parcels which are out of compliance with shoreline and floodplain regulations. The Department of Ecology wants them brought into compliance or it will refer the matter to FEMA, possibly making it harder for county residents to get flood insurance. They also discuss Ecology's proposed revisions to the County Code.
- Commissioners adjourn for lunch at 12:27.

-6:01:06—Recording begins after Pledge of Allegiance. Commissioners chat about last Tuesday's videography tours of the county while they wait for a person from Central Services to fix the glitch preventing Zoom to begin zooming.

-5:46:33—Public comment.

IS—Last week I had two comments. One was seen as a zoning comment, and I should wait until the Planning Commission hearing to ask why nobody knows where the line is within the MRD (Methow Review District) and its southern part.

IS—The second comment I made was not about zoning. People received an invitation to join the lower Methow Advisory Group months ago. Some replied to the invitation, but nobody has heard back. I was on the Lower Valley Advisory Group years ago, from 1972 to 1979. The county spent some money for a

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facilitator, but the work was blown off. It's difficult to get people to sign up. I encouraged people to apply for this group. It's not reasonable to expect people to keep volunteering if they never hear back.

ES—Where is Commissioner Hover?

JN—I think he went over to Planning. He should be back shortly.

ES—Thanks.

IS—Can you pass my comment on to Commissioner Hover, that my comment wasn't a zoning issue, so I shouldn't have to wait until the Planning Commission hearing for an answer?

JN—We'll do that.

-5:38:50—JN and MG talk about spraying for weeds at the fairgrounds last Friday. MG is off camera. JN is looking at photos of the spraying. The spraying was done with a drone that can carry 5.2 gallons of fluid. They discuss security issues with drones, especially those made in China.

-5:35:05—JN—It's 9:30. Nick?

NB—I'm Nick Bates, Fairgrounds Manager.

NB—The spraying was done Friday. Very impressive to watch. Six-foot span on the drone. He got it all sprayed around the racetrack.

NB—I have the signed contracts for the horse barns. One guy had a question about warranty. He's not sure he can get it repaired all in seven days. But I don't think it'll be an issue. The contract is signed by Esther Milner (Chief Civil Deputy Prosecutor) and Shelley Keitzman (Human Resources and Risk Management), too.

NB—Also, LJ asked for a signed copy of the Code of Ethics for the Fair Advisory Committee (FAC). I found the code, but it was never signed. There are names and dates that need to be corrected. Larissa is getting it updated.

LJ—It's the Policies and Procedures that are being updated? Once it's done, please send it to me in Word, and I'll get a new resolution to replace the old version.

NB—The second application for the weeds will be August 12.

NB—I have a waiver from the Okanogan Special Olympics Bazaar. It's in the Agriplex every year. I have other waivers, too, that won't be ready until next week or the week after.

NB—I have a meeting with the engineers for the well on July 29.

NB—I have a request for a bid, but I left the copies back at my office. It's for janitorial service for the fair. Only one bid, the same woman who has done it for the last four years or more.

NB—She just got married so her name is different than it was on last year's contract.

NB—One last thing—the budget. I've got the budget for the fairground completed. Do I meet with the FAC for the Fair budget?

CB—I don't know who's working with them on the budget.

LJ—I think they provide a proposed budget, based on the entertainment they propose.

NB—It was sent to me. I think I have some involvement with it working with the Board.

CB—I want to review it because there's cross-over.

NB—I sent Mike an email, saying it needed to be done August 13.

NB—They're going to start on the horse barn and a guy is going to look at the Commercial Building. He put an idea on what it'll take to fix it.

-5:21:50—JN—Maurice?

MG—I'm Maurice Goodall, Emergency Management.

MG—Pioneer fire in Chelan. It's what's been causing all the smoke. It might make it into Okanogan County, up by Gold Creek. I'm watching it. About 19,000 acres right now.

MG—There were some smaller fires here and there.

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MG—Things are going fairly well.

MG—There are still issues with people getting notified automatically. If you put a pin drop on a map, you don't need an official address. If there's no connectivity at the pin drop and that's where you are when the notification is sent, you won't receive it. We notify electronically.

MG—Things are drying up. The burn ban started on Friday. DNR and USFS have banned campfires in their campgrounds, too. I don't know about the Colville Reservation.

MG—That's it.

-5:17:01—JN—Tim?

Tim updates the commissioners about the landscaping project in the front of the courthouse, the remodel of the Auditor's Office and the newly applied epoxy coating in the jail's kitchen.

-5:10:50—JN—Pete?

PP—I'm Pete Palmer, Planning Department. I've got just a few things.

PP—Last week we met with Michael (inaudible) of the Health Department. He said they'll no longer be issuing the Public Health Permit we require in our code for nightly rentals. It's the Overnight Transient Accommodations Permit. We'll need to look at the Okanogan County Code sections 5.06 and 17A to remove those two requirements. How do you want that to be done—should it be done separately?

AH—Let's do it separately and not muddy the water. I'll talk to Esther (Milner, Chief Civil Deputy Prosecutor).

PP—We talked about the (inaudible) Valley Meat Packing plant, and I was asked to do some research on it and answer why it was a conditional use. It was in 2003 application in a R1 zone for a USDA slaughterhouse and processing meat shop. Meat packing is a permitted use, but a slaughterhouse requires conditional use. Fast forward—part of their proposal was to let ranchers bring their livestock in and have them penned until slaughtering at the site. There was also a custom meat packing plant existing on the property that wasn't permitted properly. It was permitted as a residential shop rather than a commercial shop. All of that was fixed during the process. Because it was a USDA slaughterhouse, it required condition use and that's why it went through the process.

AH—OK. Now we need to figure out how they'll dispose of waste.

PP—The waste gets taken to a facility on the coast. They're also working with the USDA and WSU to create a grinder bin that could handle it.

CB—So kind of like an engineered septic system?

PP—Yes. That's all I've got until this afternoon.

AH—Were there any comment?

JN—Yeah. A comment on the Methow District where they haven't had members appointed.

AH—We can talk about that as soon as we get through this. The Mazama Advisory Committee will start their revision to the Comp Plan.

JN—She felt it shouldn't be part of that issue. It could be dealt with prior to adopting...

AH—The code? It's a totally separate issue. Trying to get all the working pieces together without overload. If we have to come up with different boundaries, we can do that.

JN—Are you able to do (inaudible) like that.

AH—Well, you shouldn't. Basically, the people who live there—the people I was in a meeting with wanted it from Carlton on south. But the people who applied for that lived on Benson Creek, which is north of Carleton. (Points to map on the wall behind him)—maybe it should be in the red section. Maybe there should be a middle section between Twisp and Winthrop.

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-4:34:58—JN—It's 10:30—Discussion of District Court Probation Sustainability with Darla Schreckengast, District Court Administrator and Auturo Ramos Ramirez.

ARR distributes a Probation Services Agreement from Whatcom County and information about probationers we have this year. Basically, it's a proposal to bring some money into the Probation Office.

ARR—I'm Arturo Ramos Ramirez of the Probation Department. Ever since I started in 2021, money has been an issue. This is a proposal to charge the cities for probation services. Whatcom County charges the towns for their services.

ARR—There's a list of things that would need to be rewritten. We've got people on active probation. They come to our office frequently and we monitor their probation positions. With inactive probation, we do record checks. They charge \$10/case for inactive probation. I don't understand their formula for charges for active probations. In Whatcom County, the municipality, they take care of all the court (*inaudible*), but here we take care of that.

ARR—Here, we charge for probation, but not for financial obligations. We take Omak's and Oroville's, Pateros'.

AH—This is great information. Can we get a number of people on active vs. inactive probation and how many are in county vs the cities.

ARR—The towns are on the chart.

AH—40 people in-county, includes active and inactive.

AH—There are 55 from the cities. I added them all up.

ARR—There are a lot more inactive since we did the report.

DS—There were more in July that aren't on this report.

ARR—We check on them monthly for inactive. The courts decide when someone goes from active to inactive. They finish their probation requirements, and we do an assessment on them. It's case by case. It can also depend on the seriousness of the crime.

AH—How many probation officers do we have?

ARR—Two.

AH—Is that enough? Looking back over the last five years or so?

ARR—It works. I was there by myself for a year, and I was really busy. We've always supposed to have two and when we do, it's manageable. A secretary would help, too, but it's manageable now.

CB—Probation services we're talking about are those referred to the municipal court? That's what it says on the report you gave me.

DS—I know the municipalities squawk about how much they pay. This is a service that's provided to them.

AH—They're not our criminals.

CB—This is people going through our court system.

AH—Most municipalities don't have a court system.

CB—Mostly, we're dealing with what's going through our court system. Was this formula discussed when it was created?

JN—I don't recall any.

CB—So the county is providing that service as part of that criminal justice payment?

AH—No. In that agreement there was no probation discussed.

CB—I'm surprised it wasn't discussed when the system was set up.

DS—I don't think it crossed anybody's mind until we saw how other counties were doing it. We'd like to start the conversation about it and see what we can do to make it justifiable.

JN—I know there's been discussion among the cities to readdress the formula, so that'd be the right time to begin.

AH—For whatever reason, they thought that formula was good, but it's not.

CB—There's a long conversation that's lasted years and it's been litigated.

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AH—What the cities have done works for us—that court deal works for us.

CB—I don't know every detail of the conversation that took place. One judge in the end called out that formula.

AH—The judge said that because the cities pay taxes, then they only have to pay blah, blah, blah.

CB—So it works for us, but the probation services aren't included.

-4:21:27 ARR—A lot of counties have agreements just for probation.

CB—I ask the question because when you broach the conversation with the cities, be prepared. In someways, I hear it “now the county wants us, too.”

AH—I understand, but...

CB—Just let me finish. I know what you believe. You're pretty vocal about it. It's “God damn it! The cities are going to pay!” I mean, that's the way you are. What I'm trying to say when you broach a new subject, we should be prepared. We should have that discussion among the commissioners about how we're going to approach it. I could just ignore it. That would be easy for me to do, and I wouldn't have much stake in it in a few months. But I live in a city, and I'll be paying so it's worth the conversation.

AH—The way I look at it—cities were set up in municipalities and one of the things they were set up to do is arrest and try people and put them on probation. Because the county is so small, the cities are small, they don't have the resources to do that. The county ends up doing that. There's an agreement for jail and prosecuting services. It can fluctuate a lot. More criminals are coming out of the cities and because of that formula, their portion of the payment goes way up. But the cities should know what they're paying for. I've said for years we should get all the mayors in here and hammer out a new agreement, so everyone knows how much to budget for this. With probation, it's the same thing. The state isn't covering the expense. But if we can't afford it and probation goes away, it hurts the cities, the county and the public.

AH—Judge Short said probation is really helpful keeping people doing the right thing.

JN—I don't know how you could know at budget time how much Omak is going to have to pay in the next year.

AH—I went back 10 years to figure out how many people from each city were in jail over the years. You could use that data at budget time. There will be some over and some under the predictions but at budget time we can do the costs for the prosecutor's office and jail. We're pretty good at not overspending that. The place we overspend is through the commissioners' legal issues. Criminals don't cause a lot of overages. If you applied a percentage every year and update it every three years or so, that's the only way I can see to do it.

JN—I would have to look at that.

AH—I'm OK with it. I'm OK with it being the same, with the court agreement saying you'll bill them at this rate. The cities squawk because one year it's \$200,000 and one year it's \$600,000.

CB—It's one of those joint efforts as far as criminal justice is concerned. I don't adhere that it's coming out of the cities. They're deciding who to arrest. If certain people aren't getting arrested in the county and getting arrested in the city, it doesn't mean they live in the city. I remember people telling the cities just to quit arresting. We're all in it together. I appreciate your comments that the system is fair. But I want to have a meaningful conversation before we talk to the cities. Otherwise, we'll meet with them and one of us will say something and another will say the opposite.

AH—Not decisions. Courses of action. You tell me a lot you know how I think. In a perfect world, probation should be funded by the person who did the crime.

CB—But a lot of them don't have anything.

AH—At some point you've exceeded the capacity of the taxpayers to pay for this.

CB—I understand. The people in the cities are paying taxes, too. We need to be clear that we're all in it together. I'm for charging the cities for probation services. I just don't want the cities to stop arresting people to control their costs.

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AH—That's down to us. We *are* all in this together. There are tax dollars coming from the cities. If we use the same formula to figure out what the cities should pay for probation, it's because it was overlooked when it began. There are only a few cities with a police force. Nobody has a jail. We have to do things because they can't.

ARR—And there's the tribe, too. They also bring in some to the jail, too.

AH—This is great information and we need to discuss it more to decide what we're going to do.

CB—The concept of getting all the mayors in here...

JN—It's probably more of a clerk thing than the mayors.

CB—The mayors can come, too. But it's important to ask the cities how they feel about the system as it works today. JN would know more.

JN—I know it's been brought up at OCOG (Okanogan Council of Governments) a time or two. I'll throw the whole thing out there with probation, too. Make sure they're aware they're not paying.

AH—What's the probation fund number in the budget?

CB—I pumped the breaks a bit because this is the first time we've talked about it.

DS—We're the ones who started. We wanted to know what you guys thought. They've been doing it on the other side of the mountains for quite a while. We're late getting to it.

CB—I think in the larger jurisdictions to the east of us do it, too. We didn't know much about the probation system before today.

AH—We're honestly not talking about a bunch of money. We thought we'd get \$86,000 this year from them. Therapeutic probation services, referred by the Therapeutic Court, they threw in \$22,000. That's \$108,000. We're getting about \$100,000 and it costs us \$161,093 to run it. We're talking \$60,000 between six cities. It's not a huge chunk of change.

CB—If somebody goes to court and gets probation instead of jail, for the cities, the cost is offset by the probation services.

ARR—It would make it better if we had a pre-trial service for probations, they could get released from jail with electronic home monitoring, pending their sentence. We're looking into doing it. We've got friendship diversion. We just rolled out a program just for therapeutic court only, just to see how it goes.

AH—So you could keep people out of jail for a while?

ARR—Yes. Monitor them before jail. Put them in if they violate probation.

CB—People on probation are able to work. So if there are fines, there's no other way for them to pay.

ARR—Some people flat out don't want to work, but I make them do applications at least. And usually if they're working, they're not out there doing other stuff. We've got a list of employers who'll give a job to a felon.

AH—As fees go down, so people don't have to pay for their own incarceration, our reserve keeps going down. Soon we'll be paying the whole thing. How do we afford it?

ARR—Because it's hard to trust someone who's a felon, the state has a program for employers, where they provide insurance for them. If the employee steals money or wrecks something, the insurance pays for it.

ARR—I'll get recidivism rates. I've only been around since 2021, but I'll try to get the information. Look at it every year since I've started. It'll take a little while to get the data. It'll help justify it to the cities.

JN—How long is the average person on probation.

ARR—Depending on the charge, it can be up to two years or five years. DUIs are usually five years. Actively, it's based on if they do what they're supposed to do.

CB—First offense ends up with probation commonly?

ARR—Yes.

AH—If you didn't have probation services, in your opinion, what could the court do? Jail time? I'm trying to see if there's a savings to the cities with probation.

ARR—More jail time without probation. And without probation, there's no monitoring.

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CB—The early ones are really important. I was in municipal court once, and a lady was on probation for DWI and she was driving outside her time to drive. So, she had her license taken away so how could she get to work? I can see how people can be driven to not have hope and commit more crime. I heard a judge talk about diversion at one point, he said—you can use diversion, but it doesn't work. I think if it doesn't work, there's something wrong with the system.

CB—How did you decide to go into probation services.

ARR—I graduated from Central in 2020. I'm from here in Okanogan. Originally, I was trying to become a pilot but that was real expensive. So I took a class in bond (*inaudible*) justice and took it from there. All the professors were great, too.

CB—Thanks for taking that career.

ARR and DS leave. JN says he has to take a phone call about a bear at his house.

CB—That pretrial thing sounds interesting.

AH—Yes.

AH—to CB—You say some things about me, but you gotta know I'm all for helping cities. Honesty, I am. I'm also all in favor that everyone knows we're working together on problems that involve safety and finances.

CB—That's good. Because sometimes you're out of the chute before the gun goes off.

AH—We've been talking about probation for two years, and now, all of a sudden, you're—we'll maybe cities could fund this—and it's exciting. I understand it's more spending for them, but there's also a light that goes on about keeping the program because it's important.

CB—One of the key points about talking about it that this is the most we've ever talked about it as the BOCC. I come from a different standpoint—I've worked for a city and live in a city. It's important to have that view here. JN has the same viewpoint. He's in OCOG. Whatcom County as a council of governments and that's part of why they have an agreement.

CB—When I first got into this business, there was a lawsuit between the cities and the county. I don't think we need to do that. He's going to bring it up at OCOG.

CB—So thank you for your patience with me.

-3:49:10—CB—Are we going to approve minutes today? I was curious because we don't meet tomorrow.

AH—I haven't read them, but I could.

AH—I have to take my car for an oil change at 3:00, and I think we'll be done by then.

LJ—The jail agreements happened around 2000. I've looked for the documents, but I've only found Riverside. There have been several amendments.

CB—I want to get it right in my mind before the discussion begins. And a lot of people involved with it are not working on that anymore.

JN returns. His wife figures the bear is probably smaller than his dogs.

AH—Those are worse to have around. They're missing mom and are scavenging around.

-3:44:10—I got an email from the Methow Conservancy. I didn't forward it to Lanie, and it never got on the agenda, but they're applying for RCO (Recreation and Conservation Office) money for conservation easements. The easements are in areas where there would be more intense development if it weren't farmland. It's along the river. I have no objection.

PP—I was asked last week to come back with more information about the parcels that the Department of Ecology says are out of compliance. I made packets for you. There are maps of the vicinity for each site. One site had an unpermitted structure. We sent a letter of July 17, 2022, and another on Oct 23, 2023, but they still haven't complied. Others have complied by moving materials out of the floodplain. Site A is in Mallott, and it was substantially improved between July 2017 and 2022.

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AH—Question about Site A. How long has it been there?

PP—Don't know, but they're calling the roofing and siding on the house a substantial improvement. They want them to get a permit for the improvements.

AH—It'll cost a ton of money even though the house was already there.

CB—So they just reached the threshold for substantial development.

PP—If their home is insured by FEMA, they have to get a permit. But we don't go out looking for problems like this.

PP—I'd need to go see what our threshold is, but it would have triggered a site analysis for sure.

AH—To put on a new roof and siding?

PP—Yes. Because it's considered to be in a critical area.

AH—Suppose they go to get a permit. What happens?

PP—Do a site analysis and that would show they need a floodplain permit. Then it would go to the Building Department for a permit. It would ensure the house met the FEMA requirements.

CB—It's enforcement of the code issue. Ecology comes to town looking for, it's a sampling. If they located everything, we'd have our hands full now.

PP—I think they took aerial photos and came back later and looked for changes, like more accumulation of stuff in the floodplain.

CB—Do we understand the agreement with FEMA?

PP explains the situation with prior claims paid by FEMA.

CB—Do we know what community assistance was provided during floods?

PP—The insurance and claims are what they provided.

PP—It's basically the homeowners' ability to get flood insurance if they choose to build in the floodplain.

PP—Also, they looked at our codes and compared it to their checklist. That triggered mandatory and suggested revisions to make in our floodplain code. There's a redline version of their suggestions in the packet.

PP—In the last meeting I told you how they want the problems addressed to keep FEMA out of the situation, and you asked for what things needed to be done.

Discussion about how to read the matrix Pete has distributed.

AH and CB discuss references to [Okanogan County Code 15.08](#)—Floodplain Management.

CB—Were there any revisions that looked to be problematic to you?

PP—I haven't been looking at that yet.

CB—So far, I haven't seen anything that looks problematic. But I should probably look at the redline stuff.

CB—I think this one will be a fairly easy update. It'd require us to go through it and see if it seems reasonable. I'd try to get it out of the way.

PP—What should be my priority for this compared to the other stuff on my burner? Also, how should I deal with the people out of compliance?

CB—Well, some people are being picked out of the community what a lot of people are doing. This time it's the floodplain.

AH—Did the floodplain maps get revised in the last several years? Did it change the boundaries of the floodplain?

AH wants to talk to Dan Higbee head of the Building Department, about the building permit needed for the addition of new siding and roofing. He says he can't stomach that.

CB—Let's not get stuck on what triggered the building permit. Asks PP to find out what triggered the permit.

AH—Is it just the homeowner coming in and paying a lot of money to have FEMA tell them they can do what they want to do? Will they have to compliance with all the regulations now.

AH—It'd be nice if people moved their stuff out of the floodplain. The fact that we know about it now puts us at risk a little.

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CB—And we want to maintain our agreement with the feds. Look at site B, all the guy's got to do is move the stuff back, and it doesn't even look like that much.

AH—Were the enforcement letters basically a form letter?

PP—We let them know exactly what the violation was, and that the Department of Ecology was involved in it.

AH—Before we do something, maybe write them another letter saying that their flood insurance may be at risk if you don't fix the situation.

CB—Back in the days, they cited those people and there was an education process—educated the people doing the enforcement, as well as the site owner.

AH—We need to get it switched to a civil infraction instead of criminal.

PP—I'd like to pull the trigger on Chapter 19.

AH—I say we send a letter saying we have to enforce this for you to get flood insurance.

CB—You and everybody else.

AH—Yes. Everybody else. And it's harder and harder to get fire insurance, too.

CB—It'd be good to know the connection between FEMA's role and their contribution to flood fighting efforts—when the big flood comes, there are resources and part of them are connected to flood insurance. It takes some education to understand that.

AH—All the rest except for the house are just stuff in the floodplain. The house bugs me, but everybody else should just move their stuff.

CB—There were workshops in the past about working near the water, whether shoreline, floodplain or whatever. They help the community understand why we do this stuff. We should focus on that.

AH—Write it down. I agree with you.

AH—When talking about property rights, you have the right to build here, but you don't have the right to get insurance. People build right next to the river, and the bank is being eaten away and they want us to come and save them.

PP—We'll send out a more personable letter, and look at what's the deal with site A.

CB—They left enforcement to us? Or does FEMA enforce? I don't know but we can figure that out.

JN—Do you send the letters standard or return receipt?

PP—Both ways.

AH discusses whether a new roof on an old house would force compliance with all the regulations enacted since the house was built. CB thinks that to see if you're fully complying with the whole chapter, you have to read the whole chapter, not just one section.

CB—Let's just verify that part of it.

PP—I'll get on next week's agenda when I've got the answers.

CB—Also, it'd be nice if someone from Ecology would come and talk to us about this.

PP—It just so happens Sandra Floyd of Ecology wants to come and talk to us on the 30th.

LJ puts her on the Tuesday, July 30 agenda at 1:30 to whenever.

CB—The purpose of that is also for her to do a presentation.

AH continues to look at [Section 15.08.060 Sec. D-2](#) . CB again recommends the whole chapter.

PP leaves.

-2:56:45 JN—Esther?

EM describes another national opioid settlement—11 years, \$11,500,000 for Washington, half of that going to the counties. \$146,000 for Okanogan County. She and the BOCC discuss whether the county should join it, who would administer it, etc.

-2:34:16—Recess for lunch at 12:27.