

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

July 27, 2005

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Joe Corsiglia and Commissioner Rita Bernhard, together with Sarah Tyson, Assistant County Counsel and Cynthia Zemaitis, Acting Board Secretary.

Commissioner Hyde called the meeting to order and led the flag salute.

MINUTES:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the minutes of the July 20, 2005 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Bill Eagle, Columbia Soil & Water Conservation District is here to introduce a new employee, Kendra Morgan. Ms. Morgan stated that she would like to discuss with the Commissioners the official naming of the district as the Cooperative Weed Management Area. This was discussed with the Commissioners before, and she would like to move the project along. Commissioner Hyde has attended a few meetings over the last year and a half, and still has a question – where is the nexus between this program and the State-run program? He believes the local program will be more valuable, but he needs to know that. Commissioner Corsiglia said that the Youth Authority was working in a bunch of different counties, but they are not allowed to spray, leaving a gap. He suggests meeting with the District at a work session to go over the many questions and come up with a plan.

DELIBERATIONS: LAMMI SAND & ROCK PRODUCTS CLOSURE ORDER:

The Board's temporary secretary informed Mr. Lammi this morning that this matter was not on the Board's agenda today, so he will not be here. Sarah suggested that the Board either continue the matter entirely to next week, or to discuss Mr. Lammi's recent request for an extension and deliberate next week. Commissioner Bernhard moved to continue deliberations until next week, August 30, 2005, and Commissioner Corsiglia seconded. Robert Crain, Code Enforcement Officer, stated that Mr. Lammi was notified, and Linda Todd in LDS confirmed in a telephone call from Mr. Lammi this morning that it was on the agenda today and he should be here. Robert feels this is another stall tactic and would like to see the Board continue with the closure order today.

Commissioner Hyde stated that, just to fall on the side of right, the matter should be continued until next week. With no further discussion, the motion passed unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify Select-to-Pay for 7/26/05.
- (B) Order No. 52-2005, "In the Matter of the Request by William and Mary Ann Hammerbeck for a Modification from the Columbia County Road Standards for the Un-Named Roadway Required to be Dedicated Through Minor Partition MP 04-25.
- (C) Approve application for the National Park Service, River & Trails Program Technical Assistance Grant for the C-Z Trail Master Plan.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (D) Memorandum of Understanding between Columbia County, Columbia County Juvenile Department and the Columbia County Commission on Children & Families.
- (E) Approve Collective Bargaining Agreement with Columbia County Deputy Sheriffs' Association, effective July 1, 2004 through June 30, 2008.
- (F) Amendment No. 2 to the 2005-2007 DHS CMHP IGA No. 113022.

WARPED TOUR – FUTURE CONCERTS.

Commissioner Hyde indicated the Board talked about this at length yesterday and decided to wait until the stakeholders have a chance to meet and discuss this. Commissioner Corsiglia stated that he is not sure the County has ever discussed the age limit of those attending concerts. He wonders if there is a way to coordinate the rating of albums with the rating of concerts. Sarah indicated that this was certainly something that can be looked into, and we should pass this suggestion along to the promoter. Commissioner Hyde agrees this should be added to the conversation. Commissioner Bernhard wondered whether something could be put on the tickets or advertising that this might contain language some found offensive. Commissioner Corsiglia has heard a lot of comments about parental control, but the information needs to be placed out front so people know.

PUBLIC RECORDS REQUEST FOR SURVEYS, MAPS, ETC.

Cynthia Zemaitis, Paralegal, explained that the County received two public records requests some time ago for digital copies of plats, surveys and maps, and that we have been unable to respond. She stated that she was told the Surveyor has indicated to the Assessor's Office that they are not to produce such records, and that the Surveyor will be responsible for producing them and collecting a fee. However, the Surveyor has not responded to inquiries from Jan Greenhalgh as to how to

proceed. Joe Flori, County Cartographer, stated that the Assessor's Office is in a difficult position and that, without some guidance from above, they are not willing to make available records that another department has requested not be provided. Jean Ripa Human Resources Director, stated that, in terms of the data, it is residing on the Columbia County computer network and she is adamant that any data on the network is a public record and the Board has full authority to release it. That is her viewpoint and it is how all other records are handled. This is a situation of one elected official telling another elected official that he would prefer that she not release this data. Jean felt that it was under the Board's authority to direct release of this data.

Commissioner Corsiglia stated that we need to have a session with all the players and start discussing this from the beginning. Commissioner Bernhard disagreed, and stated that these records are the last link in the chain, and we have managed to address everything else. She believes the Board needs to do something about this particular piece. Commissioner Corsiglia respectfully disagrees, and that 2 or 3 hours would be well spent bringing all the cards to the table. He still has questions about Jean's statement and what the Board's authority really is, and what they can and cannot do.

Commissioner Hyde felt that the Board needed to be decisive on this, and recommended inviting the Assessor and the Surveyor to the 2:00 staff meeting. Commissioner Bernhard stated that people have been waiting for this data for some time and it should be made available. Commissioner Corsiglia again requested a dedicated session to go over public records in detail. Commissioner Corsiglia said we are putting together an agreement with the surveyor and can add this as a cooperative statement.

The Board asks Joe Flori to ask Sue Poling, the Assessor, and Todd Dugdale, LDS Director, to attend the staff meeting at 2:00.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde stated that the rodeo at the County Fair has been a great rodeo and becoming well known. He believes there was very good attendance at the Fair, especially on the weekend. The CEPA fair provided some very valuable information.

Personally, he has experienced the death of a very close friend of the family and has been dealing with that.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia had a great time at the fair, and got to judge the chili cook-off. The Fair really does take a village, and everyone did their part.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard feels that everyone did an excellent job at putting on the Fair, and she wants to thank Ronda and her crew. She believes this was one of the best Fairs ever. There was terrific attendance, with the rodeo being a big draw. There was also a lot of people coming in as late as 10:00, paying customers, who she believes had just left the Country Fest, and that there must have been some promoting of the Fair going on at the concert.

There was no Executive Session held.

The meeting was adjourned and then reopened for comments from Doug Sande.

Doug Sande, 33836 Bennet Road, Warren. Mr. Sande stated that he had asked to be put on this agenda and needed to address the Board. Cynthia Zemaitis, Acting Board Secretary, indicated that she had a note indicating that Mr. Sande would be here to talk to the Board during Visitor's Comments.

Mr. Sande stated he was at the meeting two weeks ago, and he will try to be relatively brief. He would like to complain about the response he received to view public records. They talked a little bit about that, and would like to restate his complaint about the bill he received and correct some things he said earlier.

His first complaint was that his attorney had to file a motion to compel to simply view the records, which would have taken only 20 minutes. The first objection to the motion to compel filed by John Knight dated February 10, 2005, was five pages long. His motion to compel consisted of his building files, his files in John Knight's office and any files the Columbia County Sheriff may have had. This forced him to pay \$175 an hour and it took a great deal of time to actually get to view the documents. He doesn't understand how there is time for a five page objection and four months to view the files. Then, he was forced to pay \$188 bill for the copies and with attorney fees it cost \$850 to \$900. He believes this is stall tactics disguised as litigation. John Knight also indicated that it would take 30 minutes for oral argument, when the documents should have been made available.

He also objects to being told that there might be privileged documents in public files, they should be segregated.

On June 16 his wife visited Mr. Knight's office and requested to view the file. She paid the \$188 and asked to see the file and Mr. Knight simply refused to allow her to see it. The claim was that the privileged documents had been returned to the file, and would have to be taken care off. Mr. Knight's secretary told Mrs. Sande that she would call her back. No form was given and the call was not returned. Five days later Mrs. Sande called the office again and the secretary said she was not to talk with her because she was represented by an attorney. Mr. Sande knows of no law that requires not being allowed to talk with the public about public records, even though they are represented by an attorney.

Doug would like the newspapers to ask whether anyone else has ever experienced something similar and they can join together and go to the ACLU.

Commissioner Hyde stated that, with all due respect, Mr. Sande is painting a very simplistic picture of something far more complex than he is laying out. This does have to do with litigation and a bar complaint against John Knight, and the County has to be very careful on how they deal with records, including complying with federal and state law.

Mr. Sande stated that one very simplistic picture was that Columbia County sued him. Did they withhold public records at the time in an effort to win the lawsuit? But he's not here to talk about that. As far as the complaint filed with the Bar, he had a deadline to provide the Oregon State Bar with documents on July 15. Sarah said as soon as he filed the bar complaint against John, John turned the matter over to Sarah to deal with. She pulled the records and gave them to Jan and it was in plenty of time to respond to the Bar's deadline. If he didn't get them on time, it didn't have anything to do with John.

Commissioner Hyde stated that we have been making an extremely extensive effort to remodel how public records are supplied in an effort to expedite and simplify the procedures. In the last 30-to-60 days we had an incident which may result in an criminal action around how public records were supplied. This brought home to the Board how important it is that we have control of the documents and that when we supply documents it is in compliance with state statutes and that they remain under the County's control.

Commissioner Bernhard would like to insert that in all this discussion about public documents, there are a variety that are already being provided. There is a very big difference between getting tax or assessor's records, but the struggle is how to deal with Counsel files, juvenile, sheriff, files that might have very sensitive information in them and we need to be very cautious about this.

Mr. Sande stated that he would like to finish his complaints. He is making no accusations at this time. Commissioner Hyde responded that he has the Bar complaint or some un-described motive for wanting to see public records. Commissioner Hyde stated that saying a rate cut should be made because some of the copies were duplicates is simplistic.

Sarah reiterated that Mr. Sande's attorney came and looked at many files, was here for a long time, and designated what he wanted.

Sarah's understanding is that Counsel's office tried on several occasions to call their attorney and get his authority to talk with the Sande's. The Sande's were told that when they called back, and, for the first time, said they were not represented by an attorney in the matter of these public records requests. Mr. Sande stated that it doesn't make any difference if he is represented by an attorney. Sarah said it makes a difference to Counsel's office, there is a Bar ethics rule governing this. Sarah explains the process Counsel's office has to follow and why it resulted in a delay.

Mr. Sande repeated that his first request to view the files was on June 16 and it took until July 18 to view the files. Sarah again explained we were trying to get in touch with his attorney Mark Gordon, who would not return calls.

Mr. Sande confirmed for Commissioner Bernhard that he has reviewed all the files and got copies of what he wanted, but he will have to review the files again. Commissioner Bernhard reiterated that he has been allowed to view the files and make copies of what he needed. Mr. Sande stated it has taken him 6 weeks of phone calls, visits, etc., simply to review his own files, and feels he has been treated very rudely. Commissioner Bernhard asked if that went both ways, but Mr. Sande denied that. Commissioner Bernhard stated that it was clear Mr. Sande is emotionally upset and she has witnessed him being rude. Mr. Sande is not aware that he has been rude at all.

Joe Corsiglia must leave for another obligation.

The last point Mr. Sande wants to make on the record is that he has not gotten all the information he needs, and will have to view both the building files and Counsel files again.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 27th day of July, 2005.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Joe Corsiglia Commissioner

By: _____

Rita Bernhard, Commissioner

Acting Recording Secretary:

By: _____

Cynthia Zemaitis