

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

March 5, 2008

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Joe Corsiglia and Commissioner Rita Bernhard, together with Spencer Parsons, Assistant County Counsel and Jan Greenhalgh, 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 February 26, 2008 Work Session; February 27, 2008 Board meeting and February 27, 2008 Staff meeting. The motion carried unanimously.

DELIBERATIONS: BENDER REMAND ON (2) RESOURCE DWELLINGS IN PF-76:

This is the time set for deliberations, "In the Matter of the Remand of Board Final Order Approving Two Resource Dwellings for Kevin Bender, dba Western States Development in the Primary Forest Zone".

Spencer Parsons stated that there were a couple of matters of business to attend to before the Board began its deliberations. The first matter is the letter from the attorney for the petitioners claiming that Commissioner Hyde was biased and should recuse himself. Commissioner Hyde responded that he has known Kevin Bender and his dad for some time, and related his experience when he was Mayor of Vernonia and there was a problem with Mr. Bender wanting to approve a road which did not meet criteria. He had no problem in preventing the acceptance of that road. He does not consider himself biased and feels he is able to move forward with this matter. With regard to the second allegation that he has prejudged the application, he has stated many times he has bias in terms of logging and forest management, but that does not preclude him from making an unbiased decision based on the facts before him. There are strict criteria he has to follow, and, therefore, he intends to participate.

Spencer asks whether there are any other questions of bias or third-party conflicts

that need to be declared at this time. Commissioner Corsiglia stated that he did not see the letter regarding the allegation of bias of Commissioner Hyde in the packet. Spencer stated that he does intend to submit it into the record.

The second order regards the record, and Spencer read the list of documents to be submitted into the record.

The last issue to be addressed is the AKS Engineering letter attached to the applicant's attorney's letter, and a decision whether this attachment is outside the scope of the deliberations as indicated by petitioner's attorney. Commissioner Hyde stated that the letter seemed to be a repeat of what was previously submitted.

Commissioner Corsiglia indicated that it wouldn't make a difference since it was a reiteration of what was already in the record. Commissioner Bernhard moved to keep the attachment in the record, and Commissioner Corsiglia seconded. The motion passed unanimously.

Spencer explained that LUBA denied all but the sixth assignment of error concerning Section 502.3 of the Zoning Ordinance concerning structures and facilities necessary for and accessory to commercial forest management. LUBA rejected the County's findings, stating that they were inconsistent with the ordinary meaning of the words "necessary for and accessory to" forest management. That is the only thing the Board is to consider at this time.

Todd Dugdale restates one criteria that LUBA says must be addressed - a finding that a forest dwelling is necessary and meeting the definition of the word "necessary" and considering the language "required for" in the zoning ordinance.

The staff report dated January 30 was one of the 3 pieces of documentation in the Board's record in response to LUBA's remand.

Commissioner Bernhard asked whether LDS made findings. Todd indicated that they made three findings. The first finding is that the proposed dwellings are accessory structures. In finding two, staff noted that the ordinary dictionary definition of necessary is, essentially required, and in that context finds that the structures would not be necessary to commercial forest management. With regard to the third finding, the applicant must show that the dwelling is "required for" commercial forest management. Staff found that there was no distinguishable difference between the "required for" and "necessary for" criteria and, therefore the proposed dwellings were not required for commercial forest management. Their conclusions were that the forest dwellings did not meet the tests.

Commissioner Bernhard stated that the State appears to be saying no, we can't approve this, and there may not be a lot of choices. Commissioner Corsiglia, in thinking back, thinks the Board may have been thinking about the Andreotti findings, but it is clear it doesn't meet the "necessary" test. Commissioner Bernhard stated that based on the fact that it doesn't fit the criteria and the State says no, she moved to deny the application for forest management dwellings and direct staff to prepare an order. Commissioner Corsiglia seconds. In discussion, Commissioner Hyde said that the more we move to codifying all ordinances, the less often these expensive situations will arise. The motion carried unanimously.

HEARING: CM/GC PROCESS - CONTRACTOR FOR JAIL EXPANSION PROJECT:

This is the time set for the hearing to solicit public input on the use of the CM/GC process for the selection of the Contractor for the Jail Expansion project.

Bill Potter, Building Official, explained that the sole purpose of this hearing is due to a requirement in the state contracting laws that allows local governments to use the Construction Manager/ General Contractor method to obtain a contract to construct public improvement projects. It is required that the Board hold a public hearing to take testimony, for or opposed, to using the GM/CG method of contracting for the Jail Expansion project.

John Knight added that this hearing also provides an opportunity for the public comment on the draft findings. Draft findings have been prepared by a law firm which addresses the criteria for this exemption. The criteria are that the exemption would diminish competition or exercise favoritism and would result in substantial cost savings. They also find that the CM/GC process will be competitive.

The hearing was opened for public testimony.

Tammy Maygra, 34319 Cannan Road, Deer Island: Tammy asked if this will be a negotiated contract or a bid contract. Bill Potter stated that it would be a negotiated contract. The county will score the contractors on their qualifications, knowledge, skills and ability to find the best qualified contractor. Tammy asked if she could get a copy of the list of contractors and was informed that she could get that from Bill, once received.

Tammy then inquired as to where the money is coming from for this project. Commissioner Hyde stated that is separate issue and that this hearing is solely for the purpose of the CM/GC selection process. He stated that there will be hearings held on this project at a later date. When asked, Tammy was informed that this will be a prevailing wage job. Tammy added that she would hope that this project will use local tradesman.

With no further testimony coming before the Board, the hearing was closed for deliberation.

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the findings and direct staff to issue the RFP. The motion carried unanimously.

VISITOR COMMENTS:

Thelma Bonar, 56734 Way Lane, Warren: Thelma read an article in the newspaper about the county transportation audit and expressed concerns that it doesn't effect the future of the Columbia County Rider. Commissioner Bernhard assured Thelma that everything is being looked at and the county will be making any necessary corrections to be compliant. The issue is the way it was reported. There have been some federal changes to the auditing process and the county is not the only organization that has been effected by that. Thelma just wanted to say that the Rider is doing a wonderful job and she doesn't want to see it fail.

Commissioner Hyde stated that the county transportation system is growing by leaps and bounds and our Finance Department is working hard to see we don't receive another audit like that again. He assured Thelma that the county transit system is doing well and will be around for a long time.

Commissioner Corsiglia feels that the transit system we have today is largely due to the work of Janet Wright and she is not giving up on it. Regarding the audit, he agrees with the audit system because it helps keep track of funding.

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 the Select-to-Pay for 3/4/08.
- (B) Approve the Draft Policy for Transporting Riders in Three-Wheeled Wheelchairs.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (C) License Agreement with Knife River for concerts at Columbia Meadows 2008 - 2009.
- (D) Real Property Sublicense Agreement with Lowell MacGregor Group, LLC., for concerts at Columbia Meadows 2008 - 2009

The motion carried unanimously.

UNMET NEEDS COMMITTEE REQUEST FOR FUEL REIMBURSEMENTS:

Commissioner Corsiglia read the request and feels this is a policy issue and the Board was going to look into that. He would like to see a list of who and how much is being reimbursed. Commissioner Bernhard understood that mileage reimbursement requests would be looked at individually. Commissioner Hyde explained that this is not money from the general fund. This is the Unmet Needs Committee disbursing the donated revenue to provide for unmet needs. He does not feel the Board should be micro-managing this committee. If the UNC feels this is proper, then it's proper. This committee does not spend money needlessly and they are trying to keep this volunteer group actively working. Commissioner Corsiglia agrees but instead of approving a policy change, he would still like to see a list of names and amounts for reimbursement. It would an accountability for both the Board and the committee. After discussion, Jan was directed to contact Jill Hult to obtain the list and amounts for reimbursement.

REQUEST TO CONDUCT "WOOD CUT" IN VERNONIA:

Commissioner Hyde gave some information on the wood cut request in Vernonia. There is a retired forester, Bob Albers, who has been working with the Association of Oregon Foresters to get Vernonia some dry fire wood. He has been putting together a "wood cut" and now has two truck loads of firewood coming to Vernonia that needs to be cut up. Apparently, he needs Board approval for this to be given a volunteer status. There was a consensus by the Board to approve this request.

HEARING: STEPHEN EDNEY APPLICATION:

Spencer stated that this hearing had been continued a number of times. The last time, it was continued to today. However, Spencer has been informed that Mr. Edney has withdrawn his application and therefore there is no further need for a hearing.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde just returned from a NACo conference in Washington DC last night and reported on his trip. He noted that there were a lot of representatives from Oregon attending the conference. While there, he met with some lobbying firms on a number of issues effecting Oregon, more specifically Columbia County.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia has received some calls regarding road conditions, etc. He has been working with Dave Hill and the road crew on these issues. Many of the concerns the Board office has received have been addressed.

He attended the Traffic Safety Committee meeting this morning. There are some members that need to be reappointed to this committee and noted the names. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to reappoint Doug Griesen, Dave Hill, Geneva Shadley, Lynn Chiotti and Joe Corsiglia and appoint Steve Watson to replace Carolyn Littles position on the Traffic Safety Committee. The motion carried unanimously.

While at the meeting, he suggested that the committee take a bus tour of the county

roads, to get a better understanding of the road situation. This should happen sometime in August.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the Port of St. Helens meeting in Clatskanie last week. They gave an update on the Port Westward projects.

Yesterday, she attended the CEPA meeting. A lot of discussion was held on flood recovery. State Marshall's office spoke on bio-hazardous waste. She has attended some United Way meetings the past couple of weeks. They continue working on improving their fundraising efforts. They are suffering a lot because of the flood and donations going that way.

On Friday, she attended a meeting for the Taijsa Bellwood Foundation to discuss the safety concerns with Cornelius Pass Road. Senator Betsy Johnson and representatives from ODOT, Washington County and Multnomah County were also present. Washington and Multnomah counties may be asking for Columbia County to financially participate for a study.

Last week, she gave a presentation to 2 civics classes at Scappoose High School. She continues to be amazed at how informed these kids are and the good questions they ask.

She also attended a Regional Workforce meeting last week. One issue discussed was their recent audit. There have been some changes in the federal auditing rules, however RWIB does a different type of audit so they have not been too effected.

MTC put on a training for at risk teenage girls. One of the Juvenile Counselors from Columbia County was there to speak about the program. It's a great program and Commissioner Bernhard was very impressed with it.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 5th day of March, 2008.

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

Recording Secretary:

By: _____

By: _____

_____ *Rita Bernhard, Commissioner*

Jan Greenhalgh