

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

February 11, 2009

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard and Commissioner Earl Fisher, together with Sarah Hanson, County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Hyde was attending a meeting in Salem.

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

MINUTES:

Commissioner Fisher moved and Commissioner Bernhard seconded to approve the minutes of the February 4, 2009 Staff meeting. The motion carried unanimously.

The February 4, 2009 Board meeting minutes were hold over one week.

VISITOR COMMENTS:

None.

HEARING: 2009-2011 DISCRETIONARY GRANT APPLICATIONS WITH ODOT:

This is the time set for a public hearing to consider the 2009-2011 Discretionary Grant Applications with ODOT, Public Transit Division.

Janet Wright came before the Board to give the staff report on two ODOT grants. The discretionary dollars are generated from cigarette tax revenue and through that, the State provides funding to transit agencies apportioned by population. These funds have been set aside in a special program this biennium specifically to provide special projects.

The first grant is for Mobility Management in the amount of \$147,838. This application continues funding for the Transit Coordinator position and applies funding to preventative maintenance.

The second grant is for the New Freedom Program in the amount of \$7,500 which provides transit options to disabled residents.

The deadline for submission of both grant applications is Friday, February 13th.

The hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. After little discussion, Commissioner Fisher moved and Commissioner Bernhard seconded to approve the 2009-2011 Discretionary Grant applications with ODOT, Public Transit Division and authorize Janet Wright to sign the applications. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Bernhard read the consent agenda in full. With no changes/additions, Commissioner Fisher moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 2/10/09.

- (B) Order No. 7-2009, "In the Matter of Declaring Certain Personal Property Owned by Columbia County to be Surplus to the County's Needs and Donating the Property to Polk County, a Political Subdivision of the State of Oregon".
- (C) Order No. 8-2009, "In the Matter of conveying Certain County Owned Real Property known as Tax Map ID No. 7N4W10-A0-00100 and Tax Account No. 27839 to Frank Cecil".
- (D) Order No. 9-2009, "In the Matter of Amending the Fee Schedule Governing Columbia County Forests, Parks, Beaches, Docks and Other Recreational Facilities Subject to Ordinance No. 94-9".
- (E) Approve Personal Actions for Stan Mendenhall and Jean Ripa.
- (F) Authorize the Finance Director to hire on temporary full-time Finance Clerk.
- (G) Reappoint Valarie Koss, Tom Linhares and Von Smith to the Columbia County Compensation Board.
- (H) Approve the 2009 Liquor License Renewals for:
 - Moose Lodge #591 St. Helens;
 - Star Mart;
 - Island Cover Café and Market.
- (I) Appoint Rita Bernhard to the Traffic Safety Committee to complete the term of Joe Corsiglia , term to expire on 12/31/2010.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (J) Sub-Grant/Grant Administration Contract with Community Action Team for the Columbia County Flood Recovery Housing Rehabilitation Program.
- (K) Amendment #3 to the Intergovernmental Agreement #1564 with the Oregon Department of Revenue and authorize the Chair to sign.
- (L) Amendment #2 to the Intergovernmental Agreement #1758 with the Oregon Department of Revenue and authorize the Chair to sign.
- (M) Approve the Letter of Agreement with the Federation of Parole and Probation Officers (FOPPO) regarding Jim Stewart.

The motion carried unanimously.

JIM TIERNEY - UNMET NEEDS BUSINESS:

Jim Tierney, CAT Deputy Director, came before the Board to give an update on the Unmet Needs Committee and some items that need Board action fairly soon.

1) Shift of the day to day operations of the flood relief to a CAT program. The consensus on this item is that CAT can simply assume responsibility for day-to-day expenses. Subject to the approval of item # 5 below, that should be fine. Jim will direct the transfer of utilities, etc. to CAT's name. CAT will continue to act as the county's agent regarding the office site in Vernonia and will provide staffing to the Columbia County Flood Unmet Needs Committee (CCFUNC) - much as we do to the Columbia County Housing Authority. All spending requests from the CCFUNC flood recovery fund will be directed to Ruth Baker and should be limited to payments authorized specifically by the CCFUNC, including primarily direct contributions to projects and compensation under # 5 below.

2) Coordinated Flood Relief Guidelines - Jim presented the Board with a copy of the current draft guidelines approved by the CCFUNC. Please note that the CDBG Buy-out Guidelines are prospective in that the grants have not been yet approved, but we have preliminary acceptance letters and expect approval any day. Also, inclusion of HOME project guidelines is purely advisory since grant award is to CAT, not the County. Jim has included all of these funding sources since they represent a seamless whole. These guidelines will allow CAT to use household "need" to adjust the kinds and amounts of grant contributions given to individual households. We see this as necessary because our written obligations to our funders have left us a maximum flexibility as to who gets served and why. We needed this flexibility because the range of flood victims and the circumstances of their need was so broad. Our interpretation of these guidelines is that we should be seeking to return families to, as close as "practical," their previous financial circumstance. In this case, "financial circumstance" is intended to consider both equity and monthly budget. I should note that in some cases, client finances have changed for the worst - we have seen the death of a spouse, damaged credit, bankruptcy, foreclosure, job loss etc. In such cases, flood recovery staff will endeavor to assist families toward self-sufficiency and household stability using whatever tools they have. Your approval of these guidelines will help protect the staff, CAT and the County from backward-looking criticism of these tough choices.

3) The \$12,500 payment for flood recovery RARE student, the CCFUNC voted to recommend a \$12,500 payment to the City of Vernonia from the flood recovery fund to assist with the placement of the flood recovery RARE student. Refreshing your memory, that student's responsibility is to work on infrastructure barriers to recovery within the city. He's attempting to help the city repair and replace damaged sewerage facilities and streets. This work includes significant planning and grant writing. It is worth noting, that sewerage failures in Vernonia affect a significant number of Columbia County residents living in the Nehalem valley downstream from Vernonia. A formal letter of request from the CCFUNC will be dropped off at the commissioner's office Tuesday.

- 4) The sole-source contracting for demolition. Jim explained the reasoning for sole source contracting and how it would be the most cost effective way for demolitions. He will meet with Sarah on how to work through the contracting process.

- 5) Authorization of a \$36,000 payment to CAT - Jim has also given the Board a copy of the CAT flood recovery salary table spreadsheet. The issue is that we at CAT (or the County) have no funding source to pay for several staff that are critical to flood recovery. Specifically they are: the volunteer coordinator, flood recovery case manager and the administrative staff necessary to handle CCFUNC business. As background, Jim explained that he designed the flood recovery program so a majority of the flood recovery efforts can be focused on, and therefore paid for by, the CDBG and HMGP flood recovery programs. Unfortunately, these programs are careful, a too forthright individual might even say scrimy, with their program support dollars. As an example, the HMGP gatekeepers have already denied \$2,000 worth of essential training expense CAT has already provided to train the staff working full-time to complete the HMGP project. I have challenged this ruling and, as expected, it will stand leaving my programs at CAT out of pocket \$2,000. After 25 years of this work, I can tell you that such rulings go with the territory and we need to move on.

As we have waited for the CDBG and HMGP programs to get on track, these case management and volunteer coordination staff have been our most productive. During December of 2007, the flood relief case management and volunteer coordination staff coordinated over 70,000 hours of labor donated by individuals, missionary groups and other organized relief efforts. This donation is the equivalent of 34 person-years. During 2008, our records show the total donated labor coordinated by our staff was 59,000 hours, equaling 28 person-years. The result is approximately 140 projects completed almost exclusively with resources other than those of the CCFUNC. Although I believe these were generally the easier jobs to complete, this is still a very significant accomplishment. Not to put too fine a point on it, but the value of this donated time at the very low rate of \$14 an hour is nearly \$2 million. I have personally been lobbied by Mennonite Disaster Services and others who are very anxious for us to retain the services of Robb Wilson our volunteer coordinator because they expect to continue to work in Columbia County.

Only a fraction of the activities of the volunteer coordinator and the case manager can be booked into the HMGP and CDBG programs. None of the administrative support for the CCFUNC is eligible. You will note that I have partially spread these staff into the CDBG and HMGP programs. By doing so, I'm pushing the envelope as far as I dare. I do expect the staff to partially work on HMGP and CDBG projects. However, they are needed on a significant number of other projects that will not involve those funding sources. It is these activities for which we have no money to pay and I must be able to show clearly that non-CDBG and HMGP resources have paid for these activities.

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After discussion, Jim stated that he would be attending the next Board meeting to go over these issues again and answer any questions the Board may have.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard commented on the all day facilitated meeting held yesterday with all the department heads and elected officials. Discussion was held on county operations, budget issues, the development of a strategic plan, how better to interact with the Board of Commissioners and expectations. It was a very good venue to share information with staff.

On Monday, the Board was in Salem all day attending various AOC meetings. Afterwards, AOC held a reception for all Commissioners and Legislators. The Board then met for dinner with Representatives Witt and Boone. Senator Johnson could not be there due to illness.

Last week, she attended the CEPA meeting. As always, it was very informative.

She attended the Traffic Safety meeting last week. They are working on a strategic plan to better determine what areas in the county need the most attention, such as Bennett and Church roads along Hwy 30 and the ongoing problems with those intersections.

She attended the "after snow" meeting with Emergency Management for an update on the recent snow storm and talked about what went good, what went bad, and ways to improve communication.

Last Thursday, she attended the NOHA meeting in Warrenton. Due to the economic crunch, there is a huge list for housing assistance and that list just continues to grow.

COMMISSIONER HYDE COMMENTS:

Not present.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher commented on the EOC meetings being held around the county and he encouraged the public to attend these meetings. The last one he attended was very informative and well attended.

He met with the representatives from the Port of St. Helens last week to talk about how both entities can work together on economic development issues and bringing business into the county.

He attended a Special Districts conference in Portland all weekend, which included fire departments, libraries, and many other special districts. They all heard the same message - people need to understand that we are in a very difficult time. The people need to be educated

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on how the county and state is funded and that some very difficult decisions will need to be made in the near future.

The Board recessed the meeting at 11:00 a.m. and reconvened at 1:00 p.m. in Room 331. Those present were: Commissioner Bernhard, Commissioner Hyde, Commissioner Fisher, Sarah Hanson and Jan Greenhalgh.

Others present: Ruth Baker, Mary Ann Guess, Robert Keyser and Ron Davis.

Commissioner Bernhard called the meeting back to order.

ROBERT KEYSER & RON DAVIS - PROPERTY TAX ISSUE:

Ron Davis and Robert Keyser were present for discussion on property owned by Ron Davis that is scheduled for foreclosure in October 2009.

Ron began with some background information. In 2002, he built an assisted living facility and secured a construction loan through Valley Bank in California using a piece of his property as collateral for the loan. Once permanent financing was obtained through a another financial institution, his collateral property was again free and clear. However, the county tax office continued to send the property tax statements to Valley Bank and he never received them. As a result, he did not know that the taxes were past due. In 2008, his in-laws, who are in their late 80's, moved into a trailer on this property and received a notice from the county that the property was going into foreclosure. When Ron was made aware of this, he went to the county to get it straightened out and explain that he hadn't received any statements or notice. He was told that wasn't the county's problem, it was his. The taxes, with interest and penalties are now around \$30,000 and he doesn't believe he should be responsible for the interest and penalties because he didn't ever receive a statement. If his in-laws weren't living there, he would not have found out about this until it was too late.

Ruth explained the county's position on this. A deed was recorded in 2003, noting that tax statements were to be sent to Valley Bank in California, so that is what was done. When property gets close to foreclosure, a title search is done and notice is sent to anyone having any interest in that property. The certified mail that was sent to Ron Davis was returned unclaimed. Ruth presented the original envelopes to show the addresses they were sent to. Ron stated that he never received them. If he had, he would have signed for them. Again, he does not feel that he should be responsible for the interest and penalties.

Commissioner Bernhard asked what options are available to Mr. Davis. Ruth stated that, once the property is in county ownership, he could request the property be deeded back to him, however, he would still owe the interest and penalties, along with any administrative cost. Regarding any payment schedules, the county can only accept payment in full. This is mandated by the State. Further, the county cannot waive any interest or penalties pursuant to state law.

Commissioner Fisher asked if Valley Bank ever notified the county that they were no longer holding the deed this property. Ruth stated that the county was never notified. In fact, a certified letter was sent to the bank and they signed for the letter, but it appears they did nothing with it.

Robert cannot understand why Ron got all his other tax statements except this one. Because Ron owns a lot of property in the county, it would have been very easy to look up his name and address and get a notice to him.

Ruth suggested that Mr. Davis contact the Department of Revenue to request a waiver of the interest and penalties through them, as they are the only ones who can grant any waiver. It was also suggested that he contact the title company to see if there were any errors on their part.

After discussion, the Board stated that they do not have the authority to waive any interest or penalties based on state law and suggested Ron look at the other options discussed here today.

There was no Executive Session held.

Dated at St. Helens, Oregon this 11th day of February, 2009.

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: _____

Rita Bernhard, Chair

By: _____

Anthony Hyde, Commissioner

Recording Secretary:

By: _____

Earl Fisher, Commissioner

By: _____
Jan Greenhalgh