

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

June 1, 2011

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Henry Heimuller, together with Robin McIntyre, Assistant County Counsel and Cynthia Zemaitis, acting Board Secretary.

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

MINUTES:

Commissioner Heimuller moved and Commissioner Fisher seconded to approve the minutes of the May 24, 2011 Special meeting; May 24, 2011 Budget meeting; May 25, 2011 Board meeting and May 25, 2011 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Petra McCall, 400 Weown Court, Columbia City. Ms. McCall would like to know where the money has gone; hospital building being started and stopped – why weren't the permits obtained and things done before the building was ever started. The taxes were collected and now they're apparently gone. She wants to know if this money is going to be returned to the tax payers.

Commissioner Fisher stated that those people who have a problem with how the money was being spent should not be coming here, they should be go to the Health District. This Board has stated several times that everything has been done legally. If some people do not believe that, they should file a lawsuit against the District.

Commissioner Hyde advised that the current Health District was formed around the hospital. It has a separately elected body, just like 9-1-1, the Fire District, etc., which have authority over the taxes being collected. Whether that money was used properly or improperly is supposition. There has been a new board elected, who will be in a position to peruse that use. In terms of the tax payers getting the money back, which was the supposition around the initiative that was passed, the courts have already said that that was not legal.

Nancy Whitney, 40 Wagner Avenue, St. Helens, OR. Ms. Whitney has gone to the Health District to get information as Commissioner Fisher suggested. She went to see Thalia and was told Thalia was with Commissioner Heimuller. Commissioner Heimuller indicated that he had not seen Thalia. Getting information from the Health District is not that easy to do. If the citizens had the money for a lawsuit, there would

have been one.

Tammy Maygra, 34319 Canaan Road, Deer Island, OR. The voters expressed a mandate to the District and to the people of this County. The people in this room represent the District. Commissioner Fisher stated that they do not represent the people of the County. Ms. Maygra went to a District Board hearing last week and asked if they were leaving the new Board any money and was told there would be \$5,000 left. She investigated on her own and found that \$473,000 in the state pool fund was accessible to them at that time. She asks whether the District is going to spend that money in the next month. She has their budget and for the new Board, it's zero. Ms. Maygra was told that maybe \$60,000 might come in in August; District says it's not a grant, but from gas taxes and other things. Ms. Maygra also questions why, in next year's budget, under "employee/vacation" there is \$198,000+ budgeted; if there will be no employees on July 1, she doesn't understand why this was budgeted.

To answer Commissioner Hyde as to why Ms. Maygra is asking this Board that question, it is because she cannot get answers from the District. Commissioner Hyde agreed that the contract with the District was terminated and will be given to the new Foundation. Ms. Maygra indicated that this Board has been up to their eyeballs in this since November and hasn't taken any action. Commissioner Fisher stated they tried to extract themselves from this as much as they could. Ms. Maygra stated that, due to the Commissioners involvement with the non-profit, if they [the new Board] find out that this money for employees is transferred, there will be problems.

Commissioner Hyde clarified that this Board is contracting for public health services from public health funds. The hospital tax dollars, 38¢ per \$1,000, will not be used for public health. He pointed out that public health and the District are two separate things. If Ms. Maygra finds out money is being commingled, she should let this Board know.

Commissioner Heimuller stated that these are perfect questions for the joint meeting which has been set. Ms. Maygra wants Thalia, the Health District budget officer, to be included.

Commissioner Fisher indicated that Ms. Maygra has been in these meetings for 6 months saying the same things. He pointed out that the Commissioners are not the Health District. At some point, the Commissioners need to say straight out that we are done discussing this. This group needs to take legal steps if they have concerns. Ms. Maygra says they don't have \$60,000 plus to fight when a Board is spending money inappropriately.

Commissioner Hyde stated that the Commissioners are responsible for public health and for making sure that all the folks in that system have a seamless transition to services, and to look out for the employees and their families. The Commissioners have been very involved in that, and they recognize that there needs to be a different

system. There is no collusion going on here. Commissioner Hyde believes we are moving toward a resolution. When Ms. Maygra and the others start as the new Board, they can dig in to it and find out what has happened. Ms. Maygra stated that the problem is the commingling of funds from the taxes.

Fred Bioni, Scappoose. Mr. Bioni is a resident of the Health District and is concerned about what is taking place and how the money has been handled. He takes exception to some of what the Commissioners are saying. They are the umbrella government, and one of their duties is to oversee all of this, along with the District Attorney. He stated that is why people pay taxes, so that this Board and the D.A. can look into what is going on – it is part of their duty to watch over these agencies.

Larry Meres, 51704 SE 4th, Scappoose. Mr. Meres has heard that the hospital property could potentially be sold, but also heard that there is some sort of agreement to give it to the City of St. Helens. Commissioner Hyde stated that, if the District was to disband, the property would automatically go to the taxing oversight authority, which is the City of St. Helens.

Brady Preheim, 195 Clark Street, St. Helens. Mr. Preheim stated that Ms. Maygra and others were elected to represent us, and she should not be insulted. This Board are the chief executives of the county and it is their duty to oversee all taxing dollars and if there is abuse going on, it is their duty to take it to the District Attorney. He thinks the Board has been negligent and expects the citizens to take care of this problem. Mr. Preheim objects to the plan of the District to give the Gable Road property to the new Foundation; in his mind, this equals liquidation. The Commissioners need to work with the District Board and all property needs to stay with the District until the voters decide whether to dissolve it.

Commissioner Hyde indicated that the clinic is public health, and where public health goes, the property goes.

Fred Bernet, Scappoose. Mr. Bernet has heard a lot of gobblee-gook in the past year. With regards to the comment of Commissioner Fisher that if you don't like it, hire an attorney, Mr. Bernet stated that that is why the citizens hire County attorneys. If something isn't done right quick, there will be a vote to get rid of the County Commissioners.

Nate McGilvra, 35000 Kissel Camp Road, St. Helens. Mr. McGilvra agrees that this Board should be overseeing this, along with the District Attorney. He has heard that the Commissioners are tired of these folks coming here month after month, so he encourages the Commissioners to ask the D.A. to conduct an investigation or audit or get the new Board the authority to go through the books without costs. That would be an act of good faith.

Commissioner Hyde stated that the D.A. prosecutes cases that are brought to him. Commissioner Hyde has yet to see a prosecutable, criminal allegation presented. The D.A. does not make the allegations. Also, it is the Attorney General who is responsible for investigating crimes by an elected body. If someone were to put form those allegations, the Board would take this to the Attorney General, but no one has.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. Robin McIntyre requested that Item (F) be pulled and held over. With that change and no additions, Commissioner Heimuller moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for weeks of May 30, 2011.
- (B) Ratify Partition Plat for David Wilson, Jr. Trust.
- (C) Approve Personnel Actions for Stan Mendenhall.
- (D) Record Permit of Entry with Longview Timberlands, LLC without costs.
- (E) Order No. 41-2011, "In the Matter of Adopting the Columbia County Social Media Policy".
- (F) Federal and State Surplus Property Eligibility Application and authorize the Chair to sign [*Pulled and carried over*].
- (G) Approve the Brandyn and Camrin Eyrrick closing documents for 1157 Juniper Street, Vernonia, Oregon and authorize the Chair to sign.
- (H) Approve the Nationwide Retirement Solutions 457 Governmental Plan Document and authorize Jean Ripa to sign.
- (I) Authorize Janet Wright to issue the Notice of Intent to Award a Consulting Contract for the NW Oregon Transit Alliance to David Evans and Associates, Inc.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (J) Amendment #49 to the 2009-2011 IGA #127291 with DHS and authorize the Chair to sign.
- (K) Amendment #51 to the 2009-2011 IGA #127291 with DHS and authorize the Chair to sign.
- (L) Amendment #52 to the 2009-2011 IGA #127291 with DHS and authorize the Chair

to sign.

- (M) Logging Contract with Paulson Logging for Carcus Creek Timber Harvest
- (N) Intergovernmental Agreement with Washington County for Juvenile Treatment and authorize the Chair to sign.
- (O) Personal Services Contract with David Evans and Associates for Northwest Oregon Transit Alliance Consulting Services.
- (P) Intergovernmental Agreement with the City of Portland for Urban Areas Security Initiative (UASI) funding.
- (Q) Addendum #7 to the Demolition Contract dated August 11, 2010 for 1721 Mist Drive, Vernonia, Oregon (Roediger) and authorize the Chair to sign.

The motion carried unanimously.

DISCUSSION:

Commissioner Fisher recommends that, as the public health authority, and since time is of the essence to move public health to an area that can continue these services, the Board direct Sarah Hanson to do an order for next week's meeting to make that happen.

Commissioner Hyde wants to be clear for those who don't understand public health. The Board has only a couple of choices. If they cancel the contract and don't do anything, that affects all of the citizens who use these services plus the employees. The other option is to give it to the State. They discussed this with the State for the better part of 4 hours. The State indicated that this County has one of the best ratings for public health services in the State of Oregon. If we gave it to the State, the County would lose that high level of service. The various services provided by public health would be broken up and given to other state agencies or other counties. The contract for public health is renewed every year. The current system is gone within 30 days and decisions need to be made now.

Commissioner Hyde stated that there have been two public meetings held in which the Board advised that there are a lot of changes being made by the State in public health; the whole system is in flux. The Board will sign a contract, keeping the current employees and the current facilities, with a 501 non-profit with an expanded Board so all voices are heard. The contract will be in effect for a year, after which the Board will take a hard look at the system to see if they can't come up with something that everyone can embrace.

With regards to the Health District, they will be taking a hard look at it. However, once a District is formed based on taxing authority, the Department of Revenue takes over. The County is simply an agent – the money doesn't come to County coffers, it comes with directions from DOR on how it is to be distributed. If the Board thought there was any wrong doing, they would take it to the Attorney General, but he hasn't seen anything to prove that other than general statements.

Commissioner Fisher stated there is a process that needs to be followed and when people either

don't understand or lump everything together, problems arise. The process needs to be followed. There have been audits done and the Board has no concrete evidence of wrong doing. The political issue over the District is a second issue; the Board is directing their focus to public health services.

Commissioner Hyde responded to Fred Bernet's interest in the 38¢ tax. All elected Boards have budgets which must be passed by July 1. The budget process sets the tax rate. He knows that 70% of the people has said stop collecting these taxes, but it is not possible to just stop.

Georgia Keiper, 34403 Sykes Road. Ms. Keiper, as a newly-elected member of the Health District, indicates they may have to amend the budget because the way the current District is leaving the budget. Also, she went and got copies of the deeds for the clinic, which show that this is District property and until there is a vote, the land and building should stay with the Health District. Commissioner Hyde stated that the building and land was with public health until the hospital district was formed.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde had a list of events he wanted to attend over the Memorial Day weekend, but his daughter was hospitalized with some complications with the birth of his grandson. All is well and his grandson was born with no problems.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher attended the drug [???] task force meeting. The task force handled a 4-county region and after 19 years it is being discontinued. He did attend Memorial Day breakfast with the VFW.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller stated that he has been on a special district board for almost 20 years. He knows that a special district, like a city, is virtually their own sovereign state with the ability to collect taxes. The County Commissioners do not have oversight over how a special district spends their money, hires or fires anyone, or anything else. If a special district board failed to hold public meetings, failed to do minutes, etc., at some point in time the Commissioners might be called into action. People think this Board has direct oversight over the Health District; that would be like this Board telling the City of St. Helens that they could not buy a police car. He wants to make this clear – when a special district is created, they have full authority. He appreciates the passion and focus that many of the folks that spoke today have. He has the same concerns and hopes to know at the end of this process the answer to all the questions.

Commissioner Hyde instructs County Counsel to prepare a contract for the 501 and include clear provisions for the representations on the Board so if issues arise, they have a lifeline. He also stated that he understands the property questions, but without the clinic, there is no public health.

There was no Executive Session held.

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

BOC Minutes

6/1/11

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Dated at St. Helens, Oregon, this 1st day of June, 2011.

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: _____

Earl Fisher, Commissioner

By: _____

Henry Heimuller, Commissioner

Recording Secretary

By: _____
Cynthia Zemaitis, Acting Recording Secretary