

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES  
February 20, 2013

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

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

**MINUTES:**

Commissioner Hyde moved and Commissioner Fisher moved seconded to approve the minutes of the February 13, 2013 Board meeting and February 13, 2013 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

*Don Campbell, 75735 Price Road, Rainier.* Don came before the Board to ask if they would consider reopening Final Order 38-1996 - the order that approved the expansion of the trailer park that is uphill from his property. Currently there is sewage running downhill onto his neighbors property and it's getting worse daily. He stated that Commissioner Heimuller personally witnessed some water runoff problems that are damaging his property because it isn't being controlled by the park owner. This just continues to get worse. It is his understanding that the Commissioners are here to protect the community. He would appreciate it if the Board could, just on a public health and safety standpoint, look at how to get this impact downsized.

On a side note, Dave Hill has finally signed off on his driveway issue.

## DELIBERATE ON PROPOSED SERVICE REDUCTIONS TO CC RIDER TRANSIT:

The Board held a public hearing on this matter last Wednesday, after which the hearing was closed but the record was left open for one week. Deliberations were scheduled for today, at or after 10:00 a.m.

At the request of some Vernonia seniors, Commissioner Hyde commented on the Dial-A-Ride service, which they felt the \$26 cost is too expensive. He explained to them that for gas, the bus and 4 hours paid employee, \$26 is not expensive. He asked Janet if there is any difference between medical transport and DAR or are they one in the same. Janet explained that DAR is for medical appointments and for those who need to get to the bank and grocery store. Those are the priorities set forth by the CTAC. If someone is under the medicaid ride, then they would be under the Northwest Ride Center rules and it would be considered a medical transport. Commissioner Hyde also heard that the seniors in Vernonia raised money to help pay the match for a bus, the bus was then transferred to another area and they ended up with a vehicle that was not handicap accessible. Janet has not heard anything about that and Commissioner Heimuller thought that may have happened back when it was COLCO. Commissioner Hyde heard that the Vernonia City Council will be holding a town hall meeting on March 5<sup>th</sup> to discuss transit and suggested county representatives attend that meeting. These types of events are needed to help find proactive ideas on how to be more strategic with reduced funding for our transit system.

Commissioner Fisher stated that this reminds him of a meeting held a couple of years ago when people were losing their Section 8 housing and he believes there will be more meetings like this in the future. We need to learn to live within the budgets we have and the reality is that services are being reduced and/or eliminated. We all need to step up to help take care of ourselves and our neighbors. Staff is doing the best they can with the resources they have and he will support their decisions.

Commissioner Hyde added that the transit system is something that will always be important to the Board and to the community. We need to pay attention during these town halls, take notes, listen to ideas and look for possible solutions. This is a living document and can always be changed and improved upon.

Commissioner Heimuller felt it is important to note that these cuts are being mandated due to the reduction in federal dollars. All transit agencies, whether urban or rural, are heavily subsidized by federal transportation dollars. Typically, fare box revenues only make between 14-19 percent of what even the best run systems collect. CC Rider is in the national average. It's also important to note that CC Rider is the only transit agency in Oregon that he is aware of, that does not rely on any local tax revenue, i.e. no district, no business tax, no subsidy. This agency is running almost exclusively on grant funding. With regards to the recommendation before the Board, he would propose two changes: change the Westport to Longview route from the proposed Monday, Wednesday, Friday - 3 times per day to running that service 5 days a week, twice a day and, in order to create continuity in the connections, change the north flex route to do the same thing. Janet had discussed that with the CTAC and it was agreed that would work but it would actually be increased further to 3 times per day instead of just 2. It still cuts some time out, but makes that route much more efficient. Janet stated that she and Roy will be continuing their outreach by attending senior center luncheons and town hall meetings.

On a side note, Commissioner Hyde heard from Connie Budge that CC Rider drivers are shutting passengers out of the Rainier station so they can eat their lunch. That was extremely upsetting to hear and he directed Janet to have a very serious talk with the drivers that this will not happen again. That station is for everyone, not just the drivers who want to eat their lunch in private.

After all discussion and, with the understanding that this is a living document, Commissioner Hyde moved and Commissioner Fisher seconded to tentatively approve the recommendations by the transit staff and the County Transportation Advisory Committee, with the proposed changes as discussed. The motion carried unanimously.

**HEARING: AMEND SECTION 4.01 OF THE SOLID WASTE ORDINANCE:**

This is the time set for the public hearing, “In the Matter of Amending Section 4.01 of the Columbia County Solid Waste Management Ordinance Relating to Persons, Activities and Practices Regulated”.

Todd Dugdale, LDS Director, came before the Board to give the staff report and recommendation from the Solid Waste Advisory Committee (SWAC) on the amendments to the Solid Waste Ordinance, addressing persons who may “self haul” and to cover the definition of “compensation” that was left out of the original ordinance. This came about because it was brought to the attention of SWAC that a local businessman, who owns numerous rental properties in Columbia County, was collecting and transporting solid waste from his rentals on a regular basis, which is a violation of Section 4.01 of the Solid Waste Ordinance. SWAC consideration of this case prompted a further review of Section 4.01 and of the circumstances under which a property owner or business is allowed to collect and haul solid waste without using the county franchised collection service, so called “self hauling”. Further, it was found that language in the 2010 ordinance omitted the definition of “compensation”, and that if not included, would prohibit all self hauling.

Commissioner Hyde was very firm in his thought that, as an example, if a person owns a 10 unit building and he pays for the disposal, he should be able to haul that garbage. It's his property and his bill. There is a very fine line here and it's rather fuzzy. Realistically, how many landlords that own large tracts of land are going to haul garbage - not many. Why are we so worried about a couple of people who are hauling garbage from their own properties. He feels that too much time is being spent on this.

Commissioner Heimuller added that there may be a number of landlords out there that are not hauling their own garbage because they want to follow the law - who knows. That said, the SWAC voted unanimously to approve these amendments and he is curious to hear their comments.

Todd then finished up with the last piece of this which listed the exceptions from the exclusive right language allowing "self-haul". When trying to determine what a business can do in terms of collecting and hauling, they came up with language dealing with "incidental" solid waste generated by a business, such as a roofing or landscaping contractor.

***Sally Ann Marson, Solid Waste Advisory Committee member.*** Regarding the issue of "compensation", she used to be a landlord. She collected the garbage and those costs were included in the monthly rental rate. If she did that now, she would be in violation of this ordinance.

***Mike Sheehan, Solid Waste Advisory Committee member.*** The companies have exclusive franchises to haul garbage here in the county and these companies have started crunching down more and more on regulations. He explained the evolution of the ordinance and why things were added and removed to make more sense and the reason

for including the “incidental” language. He briefly commented on the problem out there with some mobile home parks, which SWAC is in the process of dealing with. Garbage rates can be high for some people and the garbage is ending up in the ditches. So if we have a landlord that is willing to take the tenants garbage to the dump, that made sense. That is “incidental” to his business and it keeps the roads and ditches clean. In summary, he believes that no business where their occupation is hauling solid waste, should be able to come into Columbia County to compete with our franchised business. All other transportation of solid waste should be allowed.

Commissioner Heimuller agrees but doesn't see that in these amendments. He believes it would solve the issue by simply removing the word “incidental”.

Sally added that she has heard comments that there are some state laws on solid waste that would supersede this ordinance and she would suggest this hearing be deferred until that can be looked into. Todd agreed - if waste collected from a tenant location by a landlord is deemed to be municipal waste, in the definition of the State, there may be some requirements with the handling of that waste. We will need to determine how much latitude we have locally to deal with the self haul definition.

The hearing was opened for public testimony.

**PUBLIC COMMENTS:**

*Joe Kessi, 33470 Chinook Plaza #213, Scappoose:* He is one of the people who may be breaking the rules of this ordinance. To explain, several years ago he was contacted by the City of St. Helens Code Enforcement person that he was in violation of city code because there was garbage piled up at one of his rentals. He was told that because he

owns the property, he is responsible for the trash. After looking around, he found some of his other rentals that had piles of trash. So he started hauling away the trash and that continues to this day with all of his rentals. He does not add a cost for garbage service and does not put garbage service provided in his rental agreements. This is not a money maker and, quite frankly, a hassle but it's his responsibility. This ordinance does not make sense. Commissioner Fisher just commented earlier that the community needs to work together and Joe feels that is what he's doing. He wants to be on the record that he is asking to be informed/invited to all the SWAC meetings. If the Board wants to hear more testimony, Joe would suggest a night meeting so that the tenants could be heard. In answer to Commissioner Heimuller's question, Joe does not haul trash from the restaurant or any of his other businesses, with the exception of the residential rentals.

With no further testimony coming before the Board, Commissioner Hyde moved and Commissioner Fisher seconded to close the hearing but leave the record open for written testimony until Wednesday, March 6, 2012. The motion carried unanimously.

**CONSENT AGENDA:**

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

- (A) Ratify the Select to Pay for week of 2/18/13.
- (B) Reappoint Cheryl Breslin to the Columbia County Compensation Board for a one (1) year term.

The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde was in Salem yesterday for a number of different reasons, but also because the Vernonia High School band played for the opening of the Senate. They wanted to show thanks to them for all they have done for Vernonia.

Yesterday, he worked with Senator Johnson and PERS administration to talk about PERS reform. He participated on the PERS Task Force back in 2003 and they got some things accomplished, but there are still issues. There are a package of reforms in the Governors budget that add up to loosely \$881 million, which would take care of almost all of the PERS increase that we're looking at. To Columbia County, that's over \$450,000 in one year. He will continue to be very involved in this.

Also while in Salem yesterday, he testified on a bill for Regional Solutions and it appeared to be well received.

He then attended a meeting at the Governor office on workforce investment. They are looking at the first \$150 million and how that's being administered.

He will be attending the NACo Legislative Conference in Washington, DC next week.



**COMMISSIONER FISHER COMMENTS:**

Commissioner Fisher commented on his frustration with the Early Learning Council and that this program is going nowhere. Commissioner Heimuller heard there may be a 1 year extension for that program. Commissioner Fisher said there may be a 6 month extension and, if really offered, it will need to be applied for, which they plan to do.

He spent last Wednesday, Thursday and Friday at a County Insurance Services Board meeting in Portland. As anticipated, rates will be going up.

**COMMISSIONER HEIMULLER COMMENTS:**

Commissioner Heimuller stated that the Board will be meeting with union representatives today at 1:00 pm to discuss the upcoming budget.

This is the year for the Columbia 911 levy renewal - no additional tax increases.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 20<sup>th</sup> day of February, 2013.

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: \_\_\_\_\_

Henry Heimuller, Chair

By: \_\_\_\_\_

Anthony Hyde, Commissioner

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Jan Greenhalgh

Board Office Administrator

By: \_\_\_\_\_

\_\_\_\_\_

Earl Fisher, Commissioner