

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

WORK SESSION MINUTES

June 9, 2009

The Columbia County Board of Commissioners met in a regularly scheduled work session at 10:00 a.m. with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Earl Fisher present, together with Sarah Hanson, County Counsel and Jan Greenhalgh Board Secretary.

Commissioner Bernhard called the meeting to order.

REVIEW COLUMBIA COUNTY TRANSIT PLAN:

Paul Ryus and Darcy Rudzinski of Kittelson & Associates, and Sonya Karen, with ODOT, Region 1, were present to review the Columbia County Community-Wide Transit Plan and the US 30 Transit Access Plan. Paul explained that the study was done on both Hwy 30 and countywide to determine the needs for public transportation.

Public meetings have been held throughout the county to present the plan. CC Rider is the fastest growing transit system in the State of Oregon, partly because of high fuel costs but also due to convenience. The plan proposes more service from St. Helens to Portland, adjustments to time schedules among other needs. Henry stated that service will be starting from Vernonia to Willow creek the first of the month and flex routes from Vernonia to St. Helens. The survey has shown that there is a need for additional services. Moving on, Paul gave a brief summary of the study, survey results, project plans, funding and the implementation plan.

As part of the adoption of this plan, the cities and county will be asked to agree to update their Transportation System Plan (TOP).

Janet explained that all city planning commissions will be meeting this Thursday to discuss the plan. They will then submit it to their city councils for review and comments.

Darcy explained that her charge was to ensure that land use polices and codes are met to comply with the transit plan. An audit of all comprehensive plans and land use ordinances were conducted throughout the county. They have worked with Todd Dugdale and Erin Owen on code language and also that transit facilities are defined as an allowed use. The plan proposes that any site plans for transit facilities provide for pedestrian use as part of the development. Todd appreciated the opportunity to review the plan and recommended changes and felt that Darcy did a very thorough job.

FORD FAMILY FOUNDATION SPRAY PARK PROJECT:

Joe Lewis, Amber Dennis, Jenny Carlson, Anita Goodwin came before the Board to review a proposal to site a Spray Park at the Courthouse Plaza. It would be funded by the Ford Foundation in the amount of \$5,000, with a required match. Jenny is heading up the design team and plans to fully integrate with the existing features of the plaza. Amber displayed photos of existing spray parks in the Portland area. Jenny stated that the spray parks they are looking at are child activated so when not in use, no water is wasted. The water is not activated until a hand is placed on the sensor.

The Board asked if parking and water usage issues have been addressed. Jenny stated that this project has already been presented to the City of St. Helens and they have approved and, once the project is complete, they would assume the water costs. Commissioner Hyde would suggest that if this project moves forward, it should be constructed so that it lasts. Jenny explained that the plan is to sell bricks, which has been very successful in Portland. As for the project costs, the initial start budget is \$45,000 and the project has to be completed in 1 year.

Bill Potter feels this would be a great feature for the community. His only concern is who would be responsible for the ongoing maintenance. Chad Olsen stated that the City of St. Helens Public Works Department would do the maintenance once the project is complete and an IGA with the County is signed.

Once the team has a firm approval, the fund raising events can begin. After discussion, the Board agreed that this would be a good addition to the park and authorized the group to move forward.

UPDATE ON LEVEE CERTIFICATE:

Todd Dugdale, LDS Director, came before the Board along with Rick Stone, consultant with Greenwood Resources. Todd provided the Board with some written information on the status of FEMA levee re-certification process, including a map of the 15 diking districts in Columbia County. He then went over each item listed in the handout.

Federal Levee Certification Requirements: In 2007, FEMA notified the county as the "community" participating in the National Flood Insurance Program, that, as a part of FEMA's efforts to create updated digital flood insurance rate maps (FIRMs), Districts would either have to submit documentation that their levees meet minimum Federal standards by July 26, 2009 or lands currently protected by the levees would be subject to remapping as flood prone. LDS immediately notified each

District of the notice, summarized actions required by the Districts should they seek certification of the levees, and invited them to an informational meeting on June 29, 2007 with FEMA and the Corps of engineers to discuss certification requirements and opportunities for coordinated action. FEMA explained that Federal rules do not require that levees be re-certified, but require that levees be re-certified if Districts do not want to be subject to FIRM remapping as flood prone. LDS explained to the Districts that Columbia County does not own, operate or maintain any part of the levee system, but has a coordinating role for those Districts seeking levee certification. In addition, it was noted that the County administers development standards within areas mapped within the 100 year flood plain on the Federal FIRM maps.

Provisionally Accredited Levee (PAL) Agreements: FEMA further required that Districts wanting certification must request "Provisionally Accredited Levee (PAL)" status by signing an agreement of intent to pursue levee certification by July 26, 2007. The County assisted the Districts in their consideration of whether or not to pursue levee certification by providing notice and information concerning the PAL agreement and by facilitating a discussion between FEMA, the Corps of Engineers and District representatives at the June 19, 2007 meeting to answer District questions concerning the certification process and the implications of not certifying levees.

The Sauvie Island District's levee has been certified. The Columbia Drainage District is not seeking certification. The remaining 13 Districts have indicated interest in pursuing certification by signing the PAL agreements. The agreements were co-signed by the Board of Commissioners and sent to FEMA by the July 26, 2007 Federal deadline. Signing the PAL agreements did not commit the County nor the Districts to completing certification but was necessary for them to get provisional certification while they further evaluated the costs and benefits of seeking final certification.

How Remapping May Affect the Districts: Remapping areas currently protected by levees as flood prone would impose flood hazard overlay district standards, i.e. elevation and flood proofing requirements) on lands previously mapped outside of the 100 year flood plain and could affect flood insurance rates for levee protected properties. Each District must evaluate their unique situation in deciding whether or not to seek certification. Among the factors to consider are the amount of developed or developable properties within the levy protected area and the cost of certification including both the process of documentation

of compliance with Federal standards and the cost of necessary physical improvements to the levee system to achieve compliance. In addition, some of Columbia County's District already have lands behind levees mapped as flood prone so their decision would be whether to seek removal of the existing flood plain designation.

Option of Having the Corps of Engineers Provide Documentation: The FEMA regulations provided for a simpler certification process with less documentation in the case of levees designed and inspected by the Corp, if the Corp prepared the certification documentation required by FEMA. Since most of the levees in Columbia County were constructed by the Corp and are annually inspected by the Corp, this process promised to be simpler and less expensive than contracting with a third party engineering firm. Under FEMA rules, the Corp could assist the District's by preparing the necessary documentation from their records including their annual inspections of the levees conducted in Columbia County.

After working with the Districts to complete the PAL agreements, LDS worked with the Corp to prepare a MOU by which the Districts seeking certification could have the Corp prepare the necessary certification documents based on their own construction and inspection records. Under this approach, the Districts could sign the MOU and the Corp would contact each District to develop a tailored scope of work and cost estimate for certification. Initial estimates of costs seemed reasonable and within the means of some of the Districts. LDS drafted and sent each interested District a copy of the MOU and a sample support agreement for the Corp to prepare the certification documentation FEMA required. However, in April 2008, the Corp notified the County and Districts that it would no longer be available to provide levee certification services. The Corp cited a recent court case which found that providing such services would unfairly compete with private engineering firms. This development left the Districts with no choice but to seek levee certification services from private engineering firms.

County Assists Districts with Procurement of Private Engineering Services: With the Corp no longer available to assist the Districts with certification review and documentation, the

County contacted each District who had signed the PAL agreements, about joining together to jointly seek private engineering services. The LDS prepared a "Joint Procurement Interest" form for the Districts to indicate their interest in participating in a joint procurement process and issued a RFQ for engineering firms to do the certification review. The County received statements of qualifications from five engineering firms. An evaluation committee including

District representatives identified three top firms as most qualified to do the work. The three firms made presentations at a joint District meeting hosted by the Scappoose Drainage District on 12/12/08. Under the joint procurement approach, each District would request specific proposals from one or more of the pre-qualified engineering firms to perform the levee certification evaluation work and negotiate a contract scope of work and price.

Current Status of District Actions to Pursue Levee Certification: As of June 3, 2009, two of the thirteen Districts who signed the PAL agreements have contracted with Comforth Engineering for Phase I levee certification work. Phase I work involves the review of existing levee documentation and determination of what will be involved in meeting FEMA levee standards and achieving certification. The Scappoose Drainage District has not yet received the final Phase I report from Comforth, but has submitted a letter to FEMA requesting the FEMA tell them specifically what is required to certify their levee. The Midland District has received a report from Comforth indicating that the District would have to complete very costly levee improvements to meet FEMA levee standards and achieve certification.

Conclusion/Recommendations: As is indicated by the process to date, the County has assisted the Districts considering FEMA levee certification by providing information on the process, coordination with FEMA, the Corp and with each other, and providing joint procurement opportunities with pre-qualified engineering firms. However, as the FEMA levee certification deadline of July 26, 2009 approaches, it is apparent that the cost of both the engineering work necessary to evaluate the District levees against FEMA standards and the eventual costs for some Districts in making necessary improvements to the levees to meet Federal standards, has made it practically impossible for Districts to achieve certification. In addition, should levees not be certified, FEMA remapping would affect each of the Districts differently. Districts with considerable developed/developable land in or near urban areas, i.e. the Scappoose Drainage District, would have the most to gain by certification. Districts with little development and with primarily agricultural lands would be less affected by remapping and the related requirement to meeting County flood plain overlay district standards for new development and affects on flood insurance rates. Feedback from other counties indicate that few levees are being certified after the Corp became unavailable to assist with the necessary documentation work.

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Todd would recommend that the Commissioners work with our Federal elected representatives to restore the Corps role is assisting Districts with certification review and documentation, extend the certification deadline and identify financial assistance to Districts in completing certification engineering studies and making necessary improvements to the levees to meet Federal standards. Todd noted that he was contacted by Fritz Graham, of Senator Wyden's office, who is willing to work with Marion, Polk, Clatsop, Tillamook and Columbia counties on this.

REVIEW POSSIBLE KENNEL LAND USE AMENDMENTS:

Todd very briefly reviewed the mission of the Kennel Land Use Amendments Task Force who has now completed their assignment. Because there were some key differences of opinions in this group, LDS staff has taken their report and formulated a survey with some key questions and submitted it back to each of the task force members to complete. They have done that and staff is now in the process of tabulating those results. This will be sent out to the task force members one last time to get their comments. Once that information is received, staff will make a formal report to the Board along with some amendments to the ordinance.

CONTRACT FOR CM/GC WITH JE DUNN FOR RECYCLE & REUSE FACILITY:

Bill Potter, Building Official, was present to discuss the contract for the County Recycle & Reuse Facility. Things are moving forward well. The bids were let and they received 4 good proposals back. A review committee was formed and have reviewed the bids. The committee were unanimous in their recommendation to award the contract to JE Dunn. Bill is requesting Board approval and noted that Ruth Baker had earlier stated that she could do a short term loan from the General Fund until long term financing is obtained. After discussion, the Board will add approval to the consent agenda.

EMPLOYMENT CONTRACT WITH JIM CARPENTER:

Jean Ripa, HR, presented the employment contract with Jim Carpenter who is excepting the early retirement offer. Jim will retire and then return to work at the Sheriff's office, which is allowed. The employment contract simply defines the status of employment and needs Board approval. The Board agreed to add approval to the consent agenda.

RECRUITMENT FOR FINANCE DIRECTOR:

With the current Finance Director retiring in September, Jean needs to start the recruitment process. She has formed a group of department heads to conduct mock interviews to see how the applicants respond to certain questions and scenarios.

The Board is welcome to sit in on these meetings. Final interviews will be conducted by the Board in Executive Session. Jean would suggest that this position be advertised next week. The Board directed Jean to move forward with the recruitment process. Commissioner Bernhard stated that she would like to be present during the mock interviews.

EXECUTIVE SESSION UNDER ORS 192.660(2)(d):

The Board immediately recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(d). Upon coming out of Executive Session, no action was taken by the Board.

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

Dated at St. Helens, Oregon this 9th day of June, 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:

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By: _____

By: _____
Jan Greenhalgh, Board Secretary

Earl Fisher, Commissioner