

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

November 10, 2010

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Rita Bernhard, together with Robin McIntyre, 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 Fisher seconded to approve the minutes of the November 3, 2010 Board meeting and November 3, 2010 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Peggy Crisp, 34571 Millard Road, Warren: She is here to comment on the Columbia Health District, not Public Health. This is a special taxing district and the people voted for \$.38 per \$1,000 on our property taxes for a supposed "critical access hospital" to be built. It's not being built and as the County Commission, you are supposed to be representing the public. The State has denied the Certificate of Need twice and 73% of the voters against the hospital, it's time for the Commission to do their job and dissolve the district. This has gone from a critical access hospital to a first aid station. The CHD has spent 6 years and \$4.5 million and now it's time to re-think this.

Commissioner Hyde responded. The people have spoken and there is clear message for the hospital district to disband and to cease and desist. From the brief discussions that the Board has had with CHD, they have gotten the message. Commissioner Hyde asked that the people take the time to give the system a chance to let this process work itself out. He believes that what the people have asked for will happen and will happen shortly. The Board of Commissioners do not have the authority to dissolve this district, however, they are elected to be the leaders in this county and will be at the table to see that the voice of the people is heard and that this evict is carried out.

Peggy stated that the CHD and Public Health Board are the same, but they should be two separate entities. When going to their meetings, one never knows if they are doing CHD business or Public Health District business and where the money is going.

Richard Melton, 55141 Columbia River Hwy, Scappoose: He and his wife have been in the medical field most of his life. He understands that the old hospital was shut down because it could not keep up with the costs. He agrees that we shouldn't have a new hospital because we already have a health clinic here run by Legacy. Richard met with one of the Legacy Directors to discuss this hospital project. The Director stated the CHD could come to them to discuss ways to improve the services already provided.

Winn Forman, 58984 Timberline Avenue: He is here on a different subject. Over the years he has been an advocate of trying to get the City of St. Helens to take responsibility of Gable Road, Bachelor Flat and Sykes Road. Our county tax dollars have been used for the overlays, striping, etc to keep these roads up. But the city has given permits on about 500 new homes in that area and receive about \$12,000 - \$15,000 per home in System Development Fees. This adds up to about \$3.6 million. As he understands it, about 1/3 of that is supposed to go back to into infrastructure, such as road improvements. He has talked with the City Council and City Planning to discuss this, but nothing is being done. It is very irresponsible for the city to act this way and the County should be talking to the city to get these roads up to standard.

Ray Biggs, 1545 Fourth Place, Columbia City: He voted against the hospital in first place and wanted to echo the comments made by Peggy and Richard. He is not going to sit back and wait for things to work out. This is a hot topic right now and needs to move forward right now. He doesn't know what Jay Tappen, Gary Heidi or the other members motives are, but he is concerned that there are people who are convinced they are doing the right thing and not sure if they are going to listen to the voters.

Tammy Maygra, 34319 Cannan Road, Deer Island: Tammy read her written comments into the record regarding CHD and submitted a copy to Board. *"I come before you today on the matter regarding ballot measure 5-209 stopping the hospital tax. The voters unequivocally made their wishes known on election day by passing 5-209 by a 3-1 margin; the margin was 73% yes to 26% no. It should be apparent to you, the County Commissioners, that the people are tired of this hospital board wasting their tax dollars for the last 6 years for a Critical Access Hospital that cannot be built. The people approved the ballot measure in 2004 for this named facility. Not for limited facilities that are not equivalent in nature to act as a replacement for the Critical Access Hospital, now offering a facility that would not be allowed to fix broken bones or deliver babies - nothing more than a standard clinic. The voters definitely did not approve these substitutions. The voters in the special district have made a mandate; they want this failure brought to an end.*

*It is also apparent by Oregon Revised Statutes 198.920 Subsection 1&3, 3 letter (c) **Dissolution Procedure.** Dissolution of a district may be initiated: (c) if in either case the county board determines that it is in the best interest of the people*

of the county that the district be dissolved and liquidated. 10,065 voters or 73% in the district believe that it is in their best interest if the hospital district would be denied the ability to collect revenue from the original 2004 Critical Access hospital ballot measure. Because of the hospital boards inability to produce a Critical Access Hospital, the only way to accommodate this mandate at this time is for the County Commissioners to initiate their power and dissolve the special district.

Many of us came to you in the past 6 years, often weekly, time after time, offering and providing factual material to the Commissioners, that the Board could not get the critical access designation, lacked financial feasibility, among many other significant problems and what the hospital board was offering was absolutely not what the voters approved in 2004. We the voters in the special district asked you to stop wasting of taxpayer money by exercising your power under ORS 198.920 (c). Time after time you have told us that you, as County Commissioners, had no power in stopping the hospital tax. We knew you could then, as we know you can now. You offered this bit of advice to us over the years - "if you do not like what the hospital board is doing, go out and do an initiative". Well, we took your advice and we did an initiative. It passed 3-1. Now let me give you a bit of advice, the people have spoken quite loud and extremely clear and it is your civic duty and obligation to the people in the special hospital district to abide by their wishes by stopping the tax. We don't want to wait until the third denial from the state is given and another million + dollars is spent before any action is taken. I would say allowing the hospital board 6 years and over \$4.2 million dollars spent to come up with a Critical Access Hospital, that the voters have been extremely patient with the hospital board. We do not want to pay \$.38 cents per thousand indefinitely, with absolutely nothing to show for the millions spent.

We do not want a \$48 million dollar clinic and we do not want any more excuses from the hospital board or the County Commissioners. What we do want is you, as elected officials who are elected to watch out for the best interest of the people, to take responsibility for an action that you did in 2004 through a referendum. We want you to immediately begin the procedure to correct this grievous error by dissolving the special hospital district.

Not only are the eyes of the community and the county watching closely how you handle this matter, but throughout the State as well. For I will tell you that we the voters in the special hospital district will not rest until justice has been achieved on behalf of all the voters in the special district. There is a basic civic principle - Majority Rules. I hope the black eye that has been given to the hospital board does not carry on to the County Commissioners, because we as a community expect and deserve better than that. We want action by the Board of Commissioners - we

want resolution now”.

Nancy Whitney, 40 Wagner Avenue, Scappoose: She appreciates the comments by Commissioner Hyde that this will work out, but wanted to read a comment from Jay Tappen where he stated that *“an unofficial opinion from the Department of Justice indicates that Measure 5- 209 cannot be enforced and the Columbia Health District will have to get information on how to move forward with researching this measure”*.

This simply means more attorney fees. The CHD Board has already spent well over \$400,000 on attorney fees. Her question is that wouldn't it be fair to allow the citizens of the district to utilize some of the collected taxes to legally uphold the recent majority vote that implements the tax repeal. In fact, it would only be fair if the voters had equal access to public funds being used for attorney fees. The CHD is using our taxes to fight the people and that is totally unfair.

Commissioner Hyde agrees with her point but doesn't believe that anyone is fighting anyone at this point. He clearly believes that there is a mandate to edict and is simply asking for time to figure out how to carry out the mandate and quickly.

Keith Carpenter, 54604 Armstrong Road, Scappoose: He is also here to comment on the hospital issue. He has read that the CHD has tried again and again to get approval. They have been denied twice so why do they want this so bad. He believes that Planned Parenthood wants to come in and offer abortions. He would urge the county to dissolve this district because the people don't want it.

Maria Hatcher, 31045 Pisgah Home Road, Scappoose: She read an ad for the CHD that said it would be used for family planning. She knows that means abortions which kill our children and grandchildren. Abortions is the leading cause of death in Oregon. We're in a recession and people cannot afford additional taxes. It's been 6 years and \$4 million dollars, all for nothing. That money should be returned to the taxpayers and with interest.

Georgia Keiper, 34403 Sykes Road, St. Helens: She read her written comments into the record and submitted a copy to the Board regarding the CHD. We have heard all of the arguments, heard the vote of people and where the public sediment lies. If she were a political cartoonist, this is what she would draw. There would be a playground labeled Columbia County; children labeled taxpayers/voters; the playground bully labeled Columbia Health District holding a ball called tax dollars. There would also be three playground monitors labeled County Commissioners. The children would have a black cloud over their heads labeled 6+ years. She reminded the Board that November 15th is Monday and asks that the Board stop the additional waste of another approximate \$1 million in tax dollars and stop this now before

Monday. The Commissioners have the authority, a quorum, legal support by the ORS's and a mandate of 73% of the voters.

Joe Cason, 171 Columbia Blvd., St. Helens: He was in favor of the hospital project since the inception. He is in the medical field and office space in a medical facility would be nice. Unfortunately, that is not what happened. The majority of the voters have spoken and the community doesn't want this, whatever their reasons. However, that is not what we're hearing from the people in charge. The people that can ultimately stop this, the Health Board/Jay Tappen, hasn't done anything and in fact, Joe has heard that Jay stated that they will fight the fight even though the people voted the way they voted.

Commissioner Hyde will not speak for Jay, but in his discussions with Jay, he has stated that this will end and his Board will carry out the vote of the people immediately. Joe asked that if the CHD Board is not willing to stop this, will the Board of Commissioners stop this. He asks the Commissioners individually because, at the end of the day and in a democracy, the people are in charge and it is far less expensive to recall every member of the Hospital Board and the County Commissioners than it is to pay this tax. The people are broke and cannot afford to pay a tax for nothing.

Commissioner Fisher stated that he personally will follow the law and so will this group. So the threats and intimidations here today are not going to work.

Commissioner Hyde stated that the Board is only taking public comments and will not be put on the spot today. He has been very clear that the people have been heard and it now just comes down to the details on how they can legally proceed. He further stated that even if the Board could dissolve the district today, it would not stop the tax portion of this.

Commissioner Bernhard understands what the people have said, but the issue is following the proper process to accomplish this. Everyone recognizes that the people don't want the hospital. Time needs to be allowed to follow the legal process.

Nancy Whitney stated that the papers Tammy just submitted explains the statutes which the Board can use to dissolve the CHD district.

Tammy understands that Public Health has nothing to do with the CHD. However she has information on CHD money going towards Public Health and would be happy to supply that information.

Elizabeth Wallace, 58792 Evergreen Loop, St. Helens: This matter has been voted

on, the people have spoken and the Board has said they are making a commitment, however that commitment has a time limit of next Monday, November 15th. Is there a possibility that the Board can take action this Friday to stop the tax payment to CHD. Commissioner Hyde believes the Board will know by this afternoon if they have the authority to take any action on this.

Richard Melton asked if the Board knows when they're going to make a decision on this. Commissioner Hyde would guess there will be a request for a summary judgement and should take less than one month. Commissioner Fisher stated the Board is seeking advice because this is not a clear cut decision the Board can make today. Everything needs to be reviewed to make sure that it is done correctly. He understands the people's frustration and the Board will do what they can do as quickly as possible, but under the advice of the State and our County Counsel.

Georgia Keiper asked if the Board is aware, without asking counsel, that ORS is the law.

Fred Bernet, Dike Road, Scappoose: He asked, if the Board doesn't have the authority to dissolve the district, who does. Commissioner Hyde stated that he's not sure they don't, but that will need to be determined before they take any action. The Commissioners will be working with the CHD Board on this and, if things are moving rapidly to dissolve themselves, then this Board will let that play out. Fred asked if the Board of Commissioners appoints the CHD Board. Response was that the CHD Board is an elected position. Fred feels that it is only fair that time is given on this. This is a mess that started 7 years ago and 30 days isn't too much longer to wait. As for giving back the tax money, that's a hard nut to crack.

Joe Crisp, 34571 Millard Road, Warren: He wanted to inform the Board that Thelma Bonar lost her husband yesterday.

Scott Groves, 57218 Old Mill Road, Scappoose: Scott wanted comment on a different issue. He wanted to express his dissatisfaction with the way the matter with his neighbor was handled. He's been dealing with his own 6 year ordeal, allowing the system to work the process to take effect. He is not impressed. With the recent events and discoveries made within the last 1-2 weeks, he is real disappointed and surprised that he is still dealing with an irresponsible dog owner. He would welcome the opportunity to set down with the Board to go over the specifics of his dissatisfaction, grievances and disappointments. It is out of hand and needs to be dealt with.

DELIBERATE: ORDINANCE 2010-11 - AMEND CCZO - FLOOD & AGRICULTURE:

This is the time set for deliberations on Ordinance No. 2010-11, "In the Matter of Amending the Columbia County Zoning Ordinance and Comprehensive Plan to Bring Columbia County Forest and Agriculture zones into compliance with State Law".

Robin reviewed that the Board held a public hearing on October 13, 2010, after which the record was closed and deliberations carried over to October 20, 2010, then to November 3, 2010, and again to today.

Todd Dugdale stated that the ordinance now before the Board is basically the same presented at the hearing. The only differences are non substantial changes, now including language as a result of the recently adopted amendments to the Kennel Ordinance. It is now ready for adoption. Commissioner Hyde stated that this has been discussed in a number Board meetings for while now. State statutes change and the county needs to amend their appropriate ordinances to keep them in line with State statute.

Robin stated that this ordinance includes an emergency clause to become effective January 5, 2010. Robin then gave the first and second reading of Ordinance No. 2010-11, by title only. Afterwards, Commissioner Bernhard moved and Commissioner Fisher seconded to adopt Ordinance No. 2010-11, "In the Matter of Amending the Columbia County Zoning Ordinance and Comprehensive Plan to Bring Columbia County Forest and Agriculture zones into compliance with State Law". The motion carried unanimously.

ORD #2010-10: AMEND ENFORCEMENT ORD FOR BUILDING CODE VIOLATION:

This is the time set for the reading of Ordinance No. 2010-10, "In the Matter of Amending the Columbia County Enforcement Ordinance to Comply with ORS 455.157 Requiring Certain Procedures for Enforcing Building Code Violations".

Robin stated that staff needs to do more research on the procedures and asked that matter be tabled indefinitely.

DISSOLVING THE SCAPPOOSE PARKS & RECREATION DISTRICT:

This is the time set to consider Order No. 58-2010, "In the Matter of Dissolving the Scappoose Parks & Recreation District without Election".

Sarah reviewed this history to date and the procedure to follow. This is step 5 of a 6 step process for the dissolution of a district. If the resolution before the Board is approved, the process would move to step 6.

Jon Hankin, City of Scappoose, wanted to thank the Board for allowing additional

time for the city to meet with the district on this matter. He is here today to give the city's support for the Board to dissolve the Scappoose Parks & Recreation District.

After discussion, Commissioner Fisher moved and Commissioner Bernhard seconded to approve Order No. 58-2010, "In the Matter of Dissolving the Scappoose Parks & Recreation District without Election". The motion carried unanimously.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for 11/9/10.
- (B) Cancel the November 16, 2010 Work Session and November 17, 2010 Board and Staff meetings.
- (C) Resolution No. 70-2010, "In the Matter of a Resolution Regarding USACE and ODOT Consultations for HMGP/FMA Acquisition Projects – 2007 Flood Event".
- (D) Ratify letters to Eileen Browning, David and Jean Roediger, Candace Olson and Brandon and Camrin Eyrrick re Certification of Authorization to Exceed Current Fair Market Value in HMGP/CDBG flood buy-out process with Chair signature.
- (E) Ratify letters to Eileen Browning, David and Jean Roediger, Candace Olson and Brandon and Camrin Eyrric re acquisition/comparative market analysis in HMGP/CDBG flood buy-out process with Chair signature.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Amendment #4 to the Personal Services Contract with Oregon Realty Co., Inc. for flood market analyses.
- (G) Amendment to the Personal Services Contract with Correctional Healthcare Management, Inc.
- (H) Corrected Amendment #1 to Personal Services Contract with Community Action Team, Inc. for Healthy Start Services.
- (I) Amendment #35 to the 2009-2011 Intergovernmental Agreement #127291 with DHS and authorize the Chair to sign.

- (J) Amendment #36 to the 2009-2011 Intergovernmental Agreement #127291 with DHS and authorize the Chair to sign.
- (K) Amendment #37 to the 2009-2011 Intergovernmental Agreement #127291 with DHS and authorize the Chair to sign.
- (L) Amendment #38 to the 2009-2011 Intergovernmental Agreement #127291 with DHS and authorize the Chair to sign.
- (M) Purchase and Sale Agreement with Brandon and Carmin Eyrrick, TMID 4N4W03-BB-01300.
- (N) Purchase and Sale Agreement with Candice K. Olson, TMID 5N4W23-00-01200.
- (O) Purchase and Sale Agreement with Dave and Jean Roediger, TMID 4N4W03-00800.
- (P) Purchase and Sale Agreement with Eileen Browning, TMID 4N4W03-BC-05102.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde met yesterday with the Secretary of EDA, Economic Development Administration and talked about the complicated bureaucracy with the CDBG process. He was impressed with how engaged the Secretary is and with his ability to see all unnecessary bureaucracy.

Commissioner Hyde commented on the dissolution of the Scappoose Parks and Recreation District. This has been in the works for the past 14 years and we are now in the final stages.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher agreed that bureaucracy is an issue, be it local, State or Federal.

He attended a Law Enforcement meeting last week to look at the possibility of going to the voters to see if there is support of the law enforcement program.

He had a visit with representatives of the Rock Creek PCC campus. They are working on some projects for Columbia County.

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Tomorrow is November 11th and a day of remembrance of our Veterans. He encouraged all to participate in the various events throughout the community.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the NOHA meeting last week. This group is made up of representatives from Tillamook, Columbia and Clatsop counties. They continue to work on improving the program. They now have a new Director which has resulted in some very positive changes in the program. There is a huge need for assisted housing services.

Afterwards, she attended the NWACTION meeting. They talked about all of the transportation projects going on. A task force is being formed to work on the safety issues with Hwy 30.

She attended the ribbon cutting for the new auditorium at the Scappoose High School. This is a fantastic facility and was very impressed.

She also was present at the 4H Awards Dessert to honor the students who participate and the VFW spaghetti feed at the Moose Lodge. The veterans were very disappointed that the Veterans levy didn't pass.

There was no Executive Session held.

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

Dated at St. Helens, Oregon, this 10th day of November, 2010.

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

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Recording Secretary

By: _____

Rita Bernhard, Commissioner

By: _____

Jan Greenhalgh, Recording Secretary