



BOARD OF COMMISSIONERS MEETING MINUTES

August 1, 2007

BEFORE THE BOARD OF COMMISSIONERS

County of Lake County
State of Oregon

REGULAR SESSION

The Lake County Board of Commissioners met in Regular Session on Wednesday, August 1, 2007, at 9:00 a.m. The following members were present: Chair, Bradley J. Winters and Ken Kestner. Also Present: County Counsel Jim Bailey, and Administrative Assistant Bob Pardee.

Additions: Railroad Spur Project Grant Extension
Surveyor Interviews

Public Comment

Gary Brain, Silver Lake Rural Fire Protection District, asked if the article in the Examiner was accurate regarding the transfer of 911 user fees.

Commissioner Winters indicated that \$20K was released back to the Revolving Loan Fund from Fund 237.

Commissioner Kestner indicated the County has no authority to retain the fees received from individual 911 users, as the User and the Town have individual contracts. Commissioner Kestner indicated that there are 16 users who have submitted fees to the County.

Bob Carlson indicated the County has no authority to release these funds without an agreement in place. The 1993 agreement has no user fees.

Bob Carlson explained that the original user fees were a result of the contractor not having monies, and they were to be released upon the approval of the Intergovernmental Council (IGC). There is no agreement for user fees at this time.

Commissioner Winters asked for clarification.

Bob Carlson indicated that the user fees are not to be released without an agreement.

Gary Brain "guaranteed there are no contracts in the north part of the county". Feels this is "misappropriation of funds".

Bob Carlson indicated that the 911 users that have sent fees in have done so in 'good faith' in anticipation of an agreement being reached. He further indicated this was supposed to be set up like the Fair Board, and that the County would act as a holding account.

Commissioner Winters explained how the Fair Board works.

Gary Brain expressed frustration, saying he “can’t trust anybody”.

Commissioner Kestner explained that these fees have not yet been paid, in anticipation that representatives would have questions.

Gary Brain asked if the County can ignore Ordinance (#25).

Commissioner Kestner said no, and asked for clarification.

Gary Brain indicated the County put out an ultimatum.

Commissioner Winters corrected Mr. Brain indicating that the letter regarding the deadline was a further attempt to find solutions.

Commissioner Winters interrupted and asked that since this is public comment, everyone needs to step back and encouraged all representatives to bring any concerns.

Gary Brain indicated that the IGC suggests holding these fees until the 911 Users determine whether they want their money back.

Bob Carlson, representing The Lakeview Disaster Unit agreed, indicating these monies belong to the users.

Bob Carlson referred to the Examiner article.

Commissioner Kestner indicated his understanding was that the fees in question were for all services provided in 2006/2007.

Bob Carlson said no, and provided a copy of an invoice to Commissioner Kestner.

Bob Carlson further explained that the intent of the payment of user fees was to be made in ‘good faith’ in the hopes an agreement would be made.

Commissioner Winters explained that in the County budget cycle, the monies were in the County account prior to the end of the 06-07 year, which indicated these were for services already rendered when payment was made. His concern is that the County ensures their audit trail was appropriate.

Commissioner Kestner suggested that a letter to 911 Users asking what to do with these unsecured funds should be sent out.

Bob Carlson “knows the answer”, but said, “Fine, work your paper trail..”

Commissioner Winters asked Gary Brain if there were questions regarding Ordinance 25.

Gary Brain said he will have their legal counsel speak with our legal counsel.

Bob Carlson, Commissioner Kestner and Commissioner Winters agreed that the intent of payments made from users, according to the invoice Bob Carlson provided, were intended to be used for services provided in 2007/2008 but need to be researched further.

Commissioner Kestner suggested that his impression is that the IGC has no authority over the use of user fees.

Bob Carlson agreed.

Commissioner Kestner suggested then that if that is accurate, then the individual contracts between 911 Users and the Town of Lakeview were between those users, and the Town, not the IGC, and the Town.

Bob Carlson indicated he is not aware of any individual contracts.

Commissioner Kestner provided an example, and reviewed the document in hand.

Bob Carlson suggested he will review and research, indicating that the sample Commissioner Kestner refers to was to be a one year agreement.

Commissioner Kestner understands, but the language indicates these are ongoing. He will write a letter to the 911 Users asking for feedback as to what should be done with the monies paid.

Gary Brain asked if all users signed this individual agreement.

Ray Simms indicated his understanding is that yes the individual 911 users did, and that the County signed for various County departments that were to pay a fee as well.

Commissioner Kestner asked Ray Simms about various users and whether they had individual contracts.

Ray Simms reflected that he has not pulled each and every contract, but his understanding is that was done. These entities were billed annually until this past year. He further suggested that there has been previous discussion and questions asked, regarding the timing of the invoices for user fees. The payment history indicates the fees were paid for services already rendered.

Ray Simms also suggested that the language regarding 'continue unless terminated' would indicate that a mutual understanding might include the fact that if 911 users were billed, and paid, that would indicate a mutual understanding.

Discussion followed regarding the timing of the original user agreement.

Ray Simms indicated the Town has not requested payment of these current fees.

Commissioner Kestner indicated the agreements are between the Town and the Users, and the monies being held by the County don't belong in the County funds.

Commissioner Winters asked if Bob Carlson understood why the 'mutual understanding' might be due to the payments being made over time after billing.

Commissioner Winters suggested the County doesn't want to "play hardball", just wants to find a resolution to this matter.

Bob Carlson agrees, and suggested this is why the group has been working on this for five years.

Gary Brain suggested that if anyone pulls out, "they better do it right".

Commissioner Winters indicated the services in Lake County are unique, and he is proud of all the volunteers and the services provided.

Bob Carlson indicated the IGC has no problem with the way dispatch is being done at this time, and we need a resolution.

Commissioner Kestner said it's important to get past this five year "bottle neck".

Commissioner Winters stated, "This Board doesn't want to govern how individual user fees are addressed".

Juvenile / Community Service

Eric Shpilman reviewed utility trailer quotes and answered questions asked by the Board previously. Recommends purchasing the trailer from Sturdy-built trailer in Christmas Valley.

Commissioner Winters is not comfortable with paying monies 'up front' for services, concerned about the cost of recovery.

Eric Shpilman indicated that in his discussion with the owner of Sturdy-Built, that the minimum down payment is 70%.

Commissioner Kestner asked what the 'track-record' is of this company.

Eric Shpilman has not asked that question.

Commissioner Winters still concerned with fronting money. Asked Legal Counsel Jim Bailey if the higher bid (by \$5) was appropriate.

Legal Counsel Jim Bailey suggested that is appropriate, and that if there were questions in the future, that it would be necessary to have documented the reasons why the work was contracted with the higher bid.

Commissioner Kestner suggested a quick review of customer satisfaction is in order regarding Sturdy-Built.

Counsel Jim Bailey suggested that all that is before the Board is a quote. The Board can accept the quote, and then negotiate the terms of an agreement for delivery.

Commissioner Winters is willing to take the risk if there is an appropriate agreement. It appears that 70% of the funds will come from Title III, and 30% from the County.

Upon motion by Commissioner Winters, seconded by Commissioner Kestner, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby accepts the quote from Sturdy-Built for the purchase of a utility trailer in the amount of \$5,985 (including discount of \$665) as presented.

Shelter Care Services
Passes review

Eric Shpilman explained the purpose of this service to Commissioner Kestner. It has been used twice in the last year.

Upon motion by Commissioner Kestner, seconded by Commissioner Winters, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby approves the Service Provider Contract for Shelter Care Services as presented. This service provides shelter, meals and supervision until proper placement can be established for youth.

Pepper Spray Policy

Commissioner Winters reviewed the discussion from work session. This is an internal policy.

By consensus of the Board of Commissioners, the Board agrees with the Pepper Spray Policy as presented. This policy stipulates that Pepper Spray be used only in extreme situations where a staff member may be in physical danger.

Commission on Children & Families (CC&F) Partnership Agreement

By consensus of the Board of Commissioners, Chairman Winters is authorized to sign the Partnership Agreement 2007-2009 between the Oregon Commission on Children and Families and Lake County. This agreement assures that the Lake County Board of Commissioners performs the work outlined as presented.

Right of Way Permits

By consensus of the Board of Commissioners, Chairman Winters is authorized to sign Right-of-Way Permit #2007-38 for David Welker and Permit #2007-39 for Centurytel as presented.

Special Transportation Fund Reports (STF)

Upon motion by Commissioner Kestner, seconded by Commissioner Winters, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby accepts the Special Transportation Funds Reports for the Inner Court Family Center and the Lake County Senior Citizens Association as presented.

Aerial Hunting Program

Upon motion by Commissioner Kestner, seconded by Commissioner Winters, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby accepts the FY 2007-2008 Work Plan and Proposed Budget to continue the Aerial Hunting Program in Lake County as presented.

Airport

Commissioner Kestner explained the purpose of this grant application (for Apron Rehabilitation at Airport).

Upon motion by Commissioner Kestner, seconded by Commissioner Winters, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby approves to apply for the Apron Rehabilitation Grant for the Lake County Airport as presented.

Administrative Assistant Bob Pardee explained the process of Airport Improvement Project management, including the submission of an airport layout plan which is approved by the Federal Aviation Administration (FAA).

Upon motion by Commissioner Kestner, seconded by Commissioner Winters, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby accepts Richard Bartels as contractor pending approval of the Federal Aviation Administration Grant application.

Letter from Christmas Valley Chamber of Commerce

Commissioner Winters reviewed the letter regarding a change in the distribution formula in the Motel Tax Ordinance.

Commissioner Winters suggested that a response be sent to the Christmas Valley Chamber, Silver Lake EMS and North Lake EMS. This will be an agenda item for the September meeting in Silver Lake.

Railroad Spur Agreement Amendment #1

This Amendment extends the complete date by two months.

Upon motion by Commissioner Winters, seconded by Commissioner Kestner, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby accepts Amendment #1 to the Industrial Rail Spur Program Agreement as presented. The purpose of this one-time Amendment is to extend two deadlines for project completion.

Surveyor position

Counsel Jim Bailey verified that the Board only has to appoint an interim Surveyor. The means by which information is collected is up to the Board. Mr. Pardee was instructed to schedule interviews during the August 14, 2007 Work Session.

Nuisance

Administrative Assistant Bob Pardee reviewed the six pending issues with the Board.

Railroad

Commissioner Winters asked for input from the Board regarding the lack of information and other contract issues with Modoc Northern Railroad (MNRR). Suggested sending a Letter to MNRR, copied to Legal and MNRR Legal regarding issues with contract deficiencies.

Commissioner Kestner agreed this was appropriate.

Administrative Assistant Bob Pardee was instructed to prepare a letter from the Board, and copy the Railroad Commission as well.

Misc.

Acknowledged letter regarding Treasure Valley Community College (TVCC) Board appointments.

Tabled letter from Timber-Linn 4wd club and The Plain Peoples Vote Club. Commissioner Kestner will research.

Upon motion by Commissioner Winters, seconded by Commissioner Kestner, with Commissioner Shoun absent; the Lake County Board of Commissioners hereby approves the July 24, 2007 Work Session Minutes as presented.

Administrative Assistant Bob Pardee announced the first Security / Facility / Safety Committee Meeting is scheduled for 1:00 p.m. on Thursday, August 2, 2007.

There being nothing further to come before the Board, the Lake County Board of Commissioners Regular Session adjourned at 12:00 p.m.

Respectfully Submitted,

Robert R. Pardee
Administrative Assistant

Board Approval,

Bradley J. Winters
Chairman

Ken Kestner
Vice Chairman

Dan Shoun
Commissioner