BOARD OF COMMISSIONERS MEETING MINUTES

June 15, 2011

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, June 15, 2011 at 10:00 a.m. The following members were present: Chairman Dan Shoun, Vice Chair Bradley J. Winters and Commissioner Ken Kestner. Also present: Legal Counsel James Bailey and Administrative Assistant Denise Thorsted.

Additions:  Union Settlement
            Mental Health Advisory Board Reinstatements
Deletions:  Ruby Pipeline Right-of-Ways

10:00 a.m. – PUBLIC COMMENT:
No public comment received.

10:10 a.m. – Final Adjustments and Adoption Lake County 2011-2012 Fiscal Year Budget
Hearing open: 10:10 a.m.

Treasurer Ann Crumrine confirmed that following the Work Session held June 14, 2011 Resolution No. 2011-03 (document that serves as final adoption of the Lake County budget) had been updated as requested.

Commissioner Winters moved to approve Resolution No. 2011-03 and be it resolved that the Lake County Board of Commissioners adopts the 2011/2012 Fiscal Year Budget in the amount of $40,580,475. Commissioner Kestner second. Motion carried.

Break: 10:28 a.m.
Resume: 10:34 a.m.

10:30 a.m. – Public Hearing/Property Vacation
Public Hearing Open: 10:34 a.m.

Property and Land Manager Bob Pardee provided a brief summary of the request made by Black Cap Solar, LLC to vacate property south of Lakeview for the purpose of development. Mr. Pardee explained that the request made was for the vacation of sixteen unimproved alleys and seven unimproved streets.

Mr. Pardee confirmed that notifications had been sent to adjoining property owners directly impacted by this request. Additional notifications included: Town of Lakeview, Lakeview Rural Fire Protection, Thomas Creek Rural Fire Protection, Surprise Valley Electric, Pacific Power Electric and other adjoining property owners. Of those, only Pacific Power had responded stating that they had no facilities in this location and had no opposition to this vacation.
Mr. Pardee read for the record, letters received from Road Master Rick DuMilieu and property owner Robert Parker. Mr. Parker expressed his opposition to this request and shared his concern of negative affects to land owners and potential land locking that could occur. No other input had been received to date.

Mr. Pardee confirmed that there were a number of parcels where negotiation of sale had occurred but had not yet been recorded.

Commissioner Winters asked if any stipulations to this vacation had been added during the Planning Commission portion of this process. Todd Gregory with Obsidian Finance Group stated that through this process, a Conditional Use Permit had been granted for construction, but that it had been understood trespassing (or building) on adjacent property, would not allowed.

Mr. Gregory provided a large map to illustrate the layout of this project. Mr. Gregory confirmed that there were around eight hundred Oregon Valley Land (OVL) lots and provided clarification on lots currently owned by either Black Cap Solar/Obsidian Finance and those that were owned by other owners.

Mr. Gregory confirmed that Quite Title Actions were being taken on properties with absent land owners to allow for the potential purchase of those parcels. Legal Counsel explained that these Actions were a way of “forcing” an absent land owner to the surface. If no one was to appear, than an interested party could suit for title of the property.

Mr. Gregory stated that there was no intention to land lock (against Oregon State law) and that Black Cap Solar/Obsidian Finance hoped to purchase all properties within the designated area. If all property could not be acquired, access would still be granted.

Mr. Gregory asked that the Board consider vacating those alleyways and streets where there were no property encumbrances. Discussion followed on these potential vacations.

Public Hearing Closed: 11:05 a.m.

Break: 11:05 a.m.
Resume: 11:10 a.m.

Building Official Tony West stated that the privately owned lots within this boundary were zoned as agricultural lots and would have to go through the Conditional Use Permit process in order to be developed. Mr. West added that these were not “developable” properties as the lots were to small to develop a house and to small to have both a well and a septic tank. Other options for these lots were discussed.

Land locking of property was discussed. Legal Counsel advised against granting any vacations at this time to avoid any land locking issues. Legal Counsel recommended continuing the public hearing. Discussion followed.

Commissioner Winters moved to approve the continuance of the Property Vacation Hearing on advise of Legal Counsel on July 6, 2011 at 10:30 a.m. Commissioner Kestner second. Motion carried.
Out of courtesy, the Board felt that notification needed to be sent to the individuals that submitted letters regarding this matter.

**Other Business:**

**Auditor Agreement—**

Commissioner Winters moved to approve the Agreement between Oster Professional Group and Lake County for the purpose of fiscal year 2010/2011 audit. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the Performance Letter from Oster Professional Group as presented. Commissioner Kestner second. Motion carried.

**Governmental Accounting Standards Board (GASB) 54 Resolution—**

Commissioner Winters moved to approve Resolution No. 2011-04 establishing Policies for Fund Balances as presented. Commissioner Kestner second. Motion carried.

**Road Department Equipment Purchase—**

Commissioner Winters moved to approve the purchase of an Asphalt Zipper AZ600-B203 in the amount of $165,490 by the Lake County Road Department and finds this purchase to result in substantial cost savings to Lake County, that this to be a single source provider and that this purchase will not undermine competition. Commissioner Kestner second. Motion carried.

**Mental Health Agreement—**

Commissioner Kestner moved to approve the 2011-2013 Oregon Health Authority Intergovernmental Agreement (#134320) for financing and administration of Community Mental Health and Addiction Services programs. Commissioner Winters second. Motion carried.

**Commission on Children and Families Agreement—**

Commissioner Winters moved to approve the Oregon Commission on Children and Families Policy and Procedure regarding County authorized signatures for Director Ronne Lindsey. Commissioner Shoun second. Motion carried.

**Juvenile Department IGA—**

Director Eric Shpilman explained that this was an annual agreement between Klamath and Lake Counties for the purpose of supplying detention services in the Klamath County facility at the cost of $95 per day.

Commissioner Winters moved to approve the Intergovernmental Agreement between Klamath County and Lake County for detention beds. Commissioner Kestner second. Motion carried.

**Assessor’s Office Software upgrade—**

Commissioner Shoun explained that agreement with Lane County to provide software support to Lake County, there was a cost associated with the upcoming upgrades: $4,000 per year for the next two years ($1,500 out of this years funds and $2,500 out of next years reserve fund).
Commissioner Shoun moved to approve the Amendment No.1 to the Intergovernmental Agreement between Lake County and Lane County Information Services for software upgrade for Manatron Appraisal Software (Proval) and to be paid over two year period. Commissioner Winters second. Motion carried.

Meeting Minutes-
Commissioner Winters moved to approve the May 31, 2011 Meeting Minutes as presented. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the June 1, 2011 Meeting Minutes as presented. Commissioner Kestner second. Motion carried.

Commissioner Shoun moved to approve the June 8, 2011 Special Session Meeting Minutes as presented. Commissioner Kestner second. Commissioner Winters abstained. Motion carried.

Additions:
Mental Health Advisory Board Reinstatements-
Mr. Shpilman confirmed that there were four members of the Mental Health Advisory Board with terms that had expired. These individuals were still willing to serve on this Board and needed reinstatement.

Commissioner Winters moved to approve the reappointments of Tami Johnson as the Citizen Representative until December 31, 2013, Sheriff Phil McDonald until December 31, 2013, Haley Roark Domestic & Sexual Violence Services until December 31, 2013, and Commission on Children and Family Services Director Ronne Lindsey until December 31, 2013. Commissioner Kestner second. Motion carried.

Commissioner Kestner requested that the Administrative Assistant forward appointment letters to those individuals. Discussion followed on quorum numbers and Bylaws for this Board.

Commissioner Winters moved to approve the Lake County Mental Health Advisory Board Bylaws as presented. Commissioner Kestner second. Motion carried.

Department Updates:
No Department updates were provided

Legal Updates:
Commissioner Shoun asked for an update regarding the issue of Modoc Northern Railroad. Legal Counsel confirmed that Lake County was considered a creditor against Modoc Northern Railroad and that no notification of bankruptcy had been received. The judgment against them could be recorded in any state which they held property (if any was owned) in order to collect on this debt. Discussion followed.

Recess to Executive Session under 192.660.2(d) & (h): 11:42 a.m.
Return from Executive Session: 12:07 p.m.

No decisions were made during Executive Session.
Commissioner Winters moved to approve the settlement agreement between Lake County and Mauri Seehawer. Commissioner Kestner second. Motion carried.

Direction was given to Legal Counsel by the Board to contact the current occupant of premises owned by Lake County.

There being nothing further to come before the Board, the Lake County Board of Commissioners Regular Session adjourned at 12:10 p.m.

Respectfully Submitted

Denise Thorsted
Administrative Assistant

Board Approval,

Dan Shoun
Chairman

Bradley J. Winters
Vice Chairman

Ken Kestner
Commissioner