BOORD OF COMMISSIONERS MEETING MINUTES
November 4, 2014

BEFORE THE BOARD OF COMMISSIONERS
County of Lake County
State of Oregon

WORK SESSION

The Lake County Board of Commissioners met in Work Session on Tuesday, November 4, 2014 at 9:00 a.m. The following members were present: Board Chair Dan Shoun, Vice-Chair Bradley J. Winters and Commissioner Ken Kestner. Also present: Administrative Assistant Denise Thorsted, Public Health Director Mary Wilkie, Facility and Property Manager David Berman, Airport Manager Tom Andrews and Lake County Examiner Member of Press Jimmy Hall. Number of Public present: 24.

Additions: BOPTA Member Recommendations  
Deletions: Adkins Consulting Engineering LLP/Engineering Services Agreement

The Work Session was called to order by Chairman Shoun and the Pledge of Allegiance was recited.

9:00 am – Public Hearing/Workforce Consortium Ordinance No. 107
Public Hearing Open: 9:01 am

Commissioner Shoun confirmed that this Ordinance was in addition to the IGA to be approved for the Central Oregon Workforce Consortium (COWC). Lake County currently belonged to a twenty-four county consortium for the Federal Workforce Investment Act now changing to the Workforce Investment Opportunity Act. The Governor at his discretion can request that counties evaluate their workforce organizations and for adjustments to be made. As it had been fifteen years since this process had been followed, the Governor’s staff had been working with counties over recent months to redesign the setup to meet service needs and to allow more local control.

Approval of Ordinance 107 would ratify the creation an Intergovernmental entity known as Central Oregon Workforce Consortium (COWC) to include with the following counties: Crook, Deschutes, Gilliam, Hood River, Jefferson, Klamath, Sherman, Wasco and Wheeler.

Public Hearing remained open until later in today’s Session.

Other Business:
Oregon Care Coordination Program/No. 1004395, Public Health Director Mary Wilkie:
Mrs. Wilkie confirmed that this was an annual grant agreement approved by the Board of Commissioners related to targeted case management for medically fragile children. Confirmation was given that the agreement had been reviewed by Legal Counsel with no issues found.
Mrs. Wilkie confirmed that there was a “full scale” preparedness drill scheduled to be held at the Fairgrounds on November 5th. This drill was to represent a deadly flu outbreak.

**Industrial Park Lease/Quartz Mt. Gold, Facilities and Properties Manager David Berman:**

Mr. Berman confirmed that the lease presented was for one additional bay (1240B) at the Lake County Industrial Park to Quartz Mountain Gold LTD (Alamos Gold) for $800.00 per month. As this bay had no restrooms or office space, no increase in rent was to occur.

**9:10 am – Railroad Update, General Manager Lake Railway Robert Didelius**

Mr. Didelius began by confirming the Lake Railway was the contract operator of the Lake County Railroad. Lake Railway also leased an additional fifty-five miles of track from Union Pacific running from Lakeview to Perez California.

Information was presented on the growing use of the rail line and the increased frequency of use. Condition of the line was noted to be improving with no major derailment in a number of years. As safety standards of the line continue to increase, Mr. Didelius anticipated an increase in use as well.

Since taking over the operation of the line in 2009, Mr. Didelius confirmed that Lake Railway had spent to date approximately $3.5 million on improvements for the line with an additional almost equal amount in grant funding. Conversation followed on anticipated additional improvements and increased business needs.

Mr. Didelius confirmed that the line at this time sat in “accepted” status although there portions that could possibly be increased. Accepted status per Mr. Didelius did not limit the type of material that could be hauled on the line but it could limit the number of cars. In addition, the Connect Oregon IV project was nearly complete; ODOT was on site the previous week to conduct inspection. Anticipated sign off on this project was expected in the near future. Discussion followed on upcoming improvements to be made and the need for running locomotive during extreme cold over winter months.

Confirmation was given that Lake Railway had been in conversations with Red Rock Biofuels, LLC to determine future needs for the transportation of materials. Timeframe for Red Rock being expected to be online was 2016. Discussion followed.

Due to developments along the rail, this year was expected to be a “break-even” year per Mr. Didelius. Conversation followed on potential of running this line into Klamath Falls (currently working with Union Pacific). One injury had been reported this past year; injury was due to employee not following proper procedures. Employee was noted to have made a full recovery.

**Other Business:**

**Airport Lease Fee Schedule Addendum, Manager Tom Andrew:**

Mr. Andrews confirmed the offer made Withrotor Aviation of one 1984 Kenworth fuel truck at a total cost of $25,000 in exchange for $15,000 to be in lieu of the seller’s services for advance lease payment amount and the balance of $10,000 lease payment obligation as shown in the addendum provided.
Conversation followed on the proposal presented and on the potential for rate increases that could occur in upcoming years. Mr. Andrews confirmed that at this time the lease payment amount for Withbrotor was $1,500.00 per year. Discussion occurred on the potential of purchasing the fuel truck outright as a possible loan from the General Fund to the Lake County Airport. The Board agreed this was a good investment for the Airport. Mr. Andrews provided a brief update on projects occurring at the Airport.

Break: 9:58 am
Resume: 10:09 am

10:00 am – AccTech/Security Plan and Tech Project Update, Brad Brown

AccTech staff Bob Pardee joined Mr. Brown for today’s discussion. Mr. Brown provided the Board with an update on projects taking place for various county departments.

In addition, information was also presented and discussed for the County’s possible implementing of a “Data Security Plan”. This topic related to minimizing the County’s exposure to liabilities associated with technology use and devices (computers, cell phones, etc.). Over recent months many issues related to personal use on County devices had been noted with no policy or rules in place in order for the County to take disciplinary actions or able to defend if needed. Multiple court cases/law suits were provided and discussed showing the importance and need for such a policy.

In terms of policies and procedures, Mr. Brown discussed the “suggested” items to be included. Documentation included drafts of an “Acceptable Use Policy” and a “Mobile Device Policy”. Conversation occurred on Federal laws associated with cell phone and other devices. Confirmation was given that for any employee receiving a stipend for an electronic device, these devices were subject to confiscation during the time of an investigation. Discussion followed.

Information was given on recent discussions that had occurred with County departments and security needs that had been determined such as: data encryption including confidential emails, HIPAA considerations, Federal guidelines/requirements, physical security of equipment (computer room, IT closets) and specific security needs. These suggestions were intended as a starting point for the County to draft policies to be put into place.

Commissioner Shoun asked for a Work Session to be scheduled in the near future in order to focus solely on this matter. Commissioner Winters suggested potentially setting up a committee with key parties to begin working through these items. Final policies would include signature lines for employees and department heads.

Break: 10:55 am
Resume: 11:03 am

11:00 am – Dept. State Lands/Lake Bed Closure(s) Information, Lanny Quackenbush

Mr. Quackenbush, the Eastern Oregon Region Manager for the Oregon Department of State Lands agreed to meet in public session to discuss the proposed lake bed closures of Hart, Crump and Goose lakes. These proposed closures were in light of looting of Indian artifacts and trespassing on private lands that were reported to be occurring.

The Board expressed their strong support for “keeping public lands public” for multiple recreational purposes and for this proposal becoming a permanent closure in the future.
Mr. Quackenbush presented documentation including lake photographs and the draft Emergency Closure public notice. Mr. Quackenbush explained that these drastic steps were under consideration due to concern expressed for the manner in which staff had been treated during recent inspections of these areas and artifact hunting (including human remains) that was occurring.

At this time (per Mr. Quackenbush) Oregon Department of State Lands did not wish to close permanently but looked to enforce closure at times lake beds are dry. The intent was not to close the areas for recreational use but to stop the behavior of looting.

Commissioner Shoun expressed appreciation for Mr. Quackenbush attending today’s session and asked for wording to be written for public notice stating the laws in place for these behaviors rather than shutting down all public access. Commission Shoun discussed the rules currently in place for these instances and expressed concern for citizens simply utilizing lands for recreation and essentially making them into criminals.

Commissioner Shoun asked Law Enforcement present how these closures would make their job easier. Challenges experienced over the past year were stated including the shortage of resources (staff) and the complaint expressed by the tribe that once an artifact was removed there was no way to make any record of where an item was found or for what purpose the item may have been utilized. This diminished the cultural history of the area. These closures were expected (per State Police) to lessen the need for law enforcement as the area would no longer require so many hours of observation and personal contacts.

This issue was not limited to just cultural resources but human remains as well. This looting was of extreme concern for tribal members. Items are not being kept for personal use as they had in the past but were now being sold over the internet on sites such as Craig’s List and eBay.

Commissioner Winters stated his opposition to these closures and added that this was considered “policing by closure”. State Police was asked what type of citation was to be issued (such as trespassing). If a person were found to be trespassing with a firearm would this be considered a felony (trespassing with a firearm)?

Commissioner Winters asked what the Department of State Lands determined to be a minimum pool and what would warrant a closure. Mr. Quackenbush confirmed these were still being determined.

Citizen Glenn Wells inquired on how a burial site was determined. Diane Teeman with the Burns Platte Tribe explained that by definition if a body was buried, a site was established or there is historical data/records showing burials. Ms. Teeman confirmed that not only artifacts were being sold but human skulls were as well.

Citizen Mike Getty discussed the determinations of minimal pools. Mr. Getty felt that these were set on a political basis and not based on objective evidence. As meander lines changed daily per Mr. Getty, a definitive decision was needed for stating a minimum pool. Department of State and ownership was confirmed to be at the meander line (where aquatic lands meet vegetation). This proposal did not include the closure of uplands (flooded areas), only bare lake beds.
Citizen Larry Utley asked what if any effect this closure would have on grazing allotments. Per Mr. Quackenbush, there would be no impact.

Mr. Getty asked about impact to duck and geese hunting and again stated the need for a definitive rule for closures. Mr. Quackenbush stated that there was no intent to close during normal water pullback but during times of drastic exposure.

Commissioner Winters stated that although the room was full today, there were many more citizenry opposed to such a closure as being presented. Public meetings were essential to this process and encouraged by Commissioner Winters in order for the Department of State Lands to gain a better understanding of community concern and uses for these public lands.

Citizen Matt Morris expressed concern for future continued growth for public land closures. Felt that the same amount of time was involved for law enforcement regardless of whether they were to site monitor or site and arrest.

Mr. Getty asked for the State to spend some time and money educating the public on the laws associated with trespassing and for behaviors such as looting in newspapers statewide. Commissioner Shour added that signage stating laws associated would be a “better first step” rather than simply closing public lands to the public. Conversation followed on tribal authority for these lands.

Commissioner Kestner acknowledged the concerns related to these proposed closures and expressed concern for the continued growth of such closures in the future. Commissioner Kestner added that those in attendance were also a great resource for enforcement of rules associated. Conversation followed on possible signage that could be put into place.

Citizen Rex Hopper (opposed to closure) stated that there were multiple recreation opportunities for citizens on dry beds other than collecting artifacts and added that closure would cut off elderly and handicapped that utilize these resources for exercising/walking and other recreation.

Commissioner Winters agreed with Mr. Hopper and confirmed additional uses included ATV users. Conversation followed on the Ordinance recently approved by the Board allowing ATV use on County roadways. Commissioners Winters stated that the “laws were already in place”, this was a matter of enforcement.

Lt. Gifford (Oregon State Police) did not believe that the posting of signs would have any effect on the looting that was occurring. Individuals illegally collecting know that they are breaking the law but continue to collect regardless.

Commissioner Shoun and Mr. Getty expressed concern for the majority of the public that were mindful and respectful of the laws associated being “thrown in” with the few who are not following the laws. Confirmation was given that the number of calls received were four (4) in the past few weeks (Crump Lake); a few additional calls had been received related to the salvaging occurring from the crash site on Goose Lake.

In terms of the next steps to be taken, Mr. Quackenbush confirmed the following: meetings were scheduled to take place with Oregon Department of Fish and Wildlife, that information was to then be taken and presented to the Legislature (Senator Whitsett and Senator
Mr. Quackenbush added his acknowledgment and respect for the concerns that had been expressed during today’s session but stressed the need to gain control of these resources.

Commissioner Shoun asked for meetings with the Senators to be held locally with the local government (Board of Commissioners) on this matter. Mr. Quackenbush felt this might be possible and confirmed that public meetings and public discussions on this matter were to occur locally but at this time consideration was being given for an “emergency closure”.

Conversation occurred on potential legal ramifications these closures could have on citizens; citations for trespassing were most likely (Class A Misdemeanor) although other citations were possible. Currently, discretion was given to law enforcement on situations however decisions were made a higher level on how these instances were to be managed.

Commissioner Kestner invited Commission Shoun to serve as the Board of Commissioner’s representative to engage with Senator Ferrioli and Senator Whitsett on this matter. Commissioner Winters urged for the State to work with the County and with landowners on a more positive manner in moving through this process for a positive outcome rather than a negative outcome.

Landowner Cindy Lane felt that signage on this issue would not be effective as in the past such signs had been removed, damaged or simply ignored. Per Mrs. Lane, this type of activity had been occurring over the past thirty years (or more) with complaints called in on multiple occasions. This year had been the first in her recollection that law enforcement had responded.

Commissioner Shoun acknowledged the large number in attendance for today’s discussion and reaffirmed that the Department of State Lands would be holding public meetings on this matter in the near future. Encouragement was given to those who had not spoken up today to do so during the public meeting process. Mr. Quackenbush also encouraged individuals to put in writing their concerns and comments.

Mr. Quackenbush confirmed that the document presented was a draft for the proposed emergency closure and was not currently in effect. Public notification/news releases would be put out if this were to be put into effect.

Break: 12:18 pm
Resume: 12:32 pm

**Other Business cont.:**

*Printer Purchase Recommendation, Admin. Asst. Denise Thorsted:*

Ms. Thorsted confirmed that the recommendation before the Board was for the purchase of an updated printer/copier device for the Commissioner’s office. The unit currently in place was to be moved to the North Lake Annex to replace the copier only device at this location for meeting the needs related to confidentiality and HIPA requirements. Ms. Thorsted added that this purchase was an unforeseen item and not included in the current year’s budget but with the need at the Annex this would be a positive step forward.

Commissioner Shoun confirmed his support for this purchase and the transfer of the current unit to the Annex. Commissioner Winters agreed. Conversation followed on budget options for this purchase.
North Lake ATV Committee Member Recommendation:
Three letters of interest had currently been received. Potentially additional letters could be received by the end of the day.

Addition:

Board of Property Tax Appeals:
Commissioner Winters moved to approve the appointment of Commissioner Kestner, Chris Wad and Deanna Walls to the Lake County Board of Property Tax Appeals as presented. Commissioner Shoun second. Motion carried.

Department Updates:
No department updates were provided during today’s session.

Liaison Updates:
Commissioner Winters –
- Continuing to work with Red Rock Biofuels on the final agreement related to the incoming biomass plant and community service fees. A tentative date of December 9th had been set for a joint meeting with this Board and the Town of Lakeview on this matter.
- Planned to attend the November 14th SCOEDD/SCOACT meeting as well as the Regional Solutions meeting to be held.
- Continuing landfill discussions with Department of Environmental Quality and Lake County Road Master Rick DuMille on potential options for this facility.

Commissioner Shoun:
- The new Workforce Consortium was now on the “fast track”, appreciation was expressed for the Board’s support on moving this forward.
- Although he was unable to attend the Wild Land Fire Leadership Council meeting the previous week in D.C., Commissioner Shoun had stayed abreast of discussions that had occurred. This meeting had been well attended and was felt to have been positive.
- Confirmed Public Land meetings scheduled during the upcoming Association of Oregon Counties Conference the following week.

Public Hearing Closed: 12:44 pm

Executive Session:
No Executive Session was held during today’s session.

There being nothing further to come before the Lake County Board of Commissioners, this meeting adjourned at 12:45 p.m.

Respectfully Submitted,

[Signature]
Denise Thorsted
Administrative Assistant

Board Approval,

[Signature]  Bradley J. Winters  [Signature]
Dan Shoun  Vice Chairman  Ken Kestner
Chairman  Commissioner

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