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 18, 2014 at 10:00 a.m. at the Fort Rock Grange Hall. The following members were present: Board Chair Dan Shoun, Vice-Chair Bradley J. Winters and Commissioner Ken Kestner. Also present: Commissioners Administrative Assistant Denise Thorsted, Legal Counsel Bailey and Lake County Examiner Member of the Press Ryan Bonham. Number of Public present: 24.

Additions: Property Foreclosure Process
Deletions: Resolution 14-06-09 (Ratify)

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

10:00 am – Public Comment
No public comment was received.

Other Business:

Klamath Community College 2014-2015 Out of District Contract, Action/Consideration:
Commissioner Winters moved to approve the 2014-2015 Klamath Community College and Lake County Out of District Service Delivery Agreement. Commissioner Kestner second. Motion carried.

Courthouse Window RFP, Action/Consideration:
Commissioner Kestner moved to approve the Lake County Request for Proposals as presented for the replacement of existing Courthouse windows. Commissioner Winters second. Motion carried.

2014 Pavement Maintenance Program, Action/Consideration:
An explanation was provided by Facility Manager David Berman and Airport Manager Tom Andrews for the 2014 Statewide Airport Pavement Maintenance Program. Per Mr. Berman, the Oregon Department of Aviation (ODA) would be meeting the match requirement for this grant.

Commissioner Winters moved to approve the IGA for 2014 Statewide Airport Pavement Maintenance Program with no local match. Commissioner Kestner second. Discussion: information was provided on the slurry project to be completed. Motion carried.

Conversation occurred on the recent Connect Oregon process that had occurred.
10:10 am – Special Acknowledgement Presentation
Ron Reeves, Safety Team Program Manager for the Federal Aviation Administration presented to retired Airport Manager Bert Young the “Wright Brothers Master Pilot Award for over 50 years of Aviation Excellence”. A power-point presentation was provided highlighting the eligibility for this award and information on Mr. Young’s excellent aviation history.

Break: 10:32 am
Resume: 10:40 am

Other Business cont.: Budget Resolutions, Action/Consideration:
Treasurer Ann Crumrine provided information of the recent Payment in Lieu of Tax (PILT) received. Conversation occurred.

Confirmation was given that the previous amount provided for the Fairgrounds Fund had been updated. The amount this budget could be increased was limited to ten percent (10%) or $28,000.

Resolution No. 2014-03 was to accept the 2014/2015 Budget in totality and would also set the property tax rate ($3.7619 per $1,000).

Commissioner Winters moved to approve in the matter of the 2014/2015 Budget, Resolution No. 2014-03 for the total amount of $41,395,776. Commissioner Kestner second. Motion carried.

Resolution 2014-04 – In regard to the need to establish ending fund balances as stated in the Governmental Accounting Standards Board (GASB) prior to June 30th. This was for special revenue funds that did not have legislation surrounding their revenue: Jail Assessment Fund, Museum Fund, Landfill Fund, Round-Up Fund and the Business Loan Program Fund.

Commissioner Shoun moved to approve Resolution No. 2014-04 in the matter of establishing policies for fund balances as presented. Commissioner Kestner second. Discussion: wording used for “approximate” ending fund balance. Motion carried.

Resolution 2013-16 – (current fiscal year adjustment) appropriation transfer for Public Health necessary due to higher than anticipated medical supply costs.

Commissioner Winters moved to approve Resolution No. 2013-16 in the matter of an appropriations transfer from salaries to materials and services (within fund) as presented for the Public Health Department (235). Commissioner Kestner second. Motion carried.

Resolution 2013-17 – (current fiscal year adjustment) appropriations transfer for Marine Law Enforcement for more salaries than anticipated to manage this new grant.

Commissioner Winters moved to approve Resolution No. 2013-17 in the matter of an appropriations transfer from materials and services to salaries (within fund) as presented for the Marine Law Enforcement Fund (101-150). Commissioner Kestner second. Motion carried.
Legal Updates:

Legal Counsel confirmed that the financial statement for Thomas Creek Fire District was complete and the deadline had been met. The next step was to hold the required public hearing. Process to be followed was provided. Following conversation, confirmation was given that the public hearing was set for July 16th @ 10:10 am. A “check-list” was to be drafted by the Treasurer for members of special districts on items to be attended to in order to avoid issues in the future.

Kelly Creek update included that the requested letter had been forwarded to the land owner regarding question on the road and the legalization process.

Memorial Hall Agreement, Action/Consideration:

Ms. Thorsted confirmed that this item was brought forward to address a number items frequently experienced with allowing use of Memorial Hall. This agreement was intended to address set-up and clean-up, allowable uses and liability concerns. Legal Counsel confirmed the agreement had been reviewed with no issues found. Also included was a clause for damages/required actions by the County (such as clean-up) for fees charged to the user to cover such costs.

Commissioner Winters moved to approve the Memorial Hall Application (for use of Memorial Hall) as presented. Commissioner Kestner second.
Discussion: additional “go to person” for an agreement was to be the Facility Manager.
Motion carried.

Fleet RFP Recommendations, Action/Consideration:

Commissioner Winters moved to approve the 2014-2015 vehicle purchase recommendations presented for lowest bids received for the following: 2014 Ford F150 pickups (2) (Sheriff’s Department) from Hall Motor Company in the amount of $29,969.00 and 2015 Ford Explorer (2) (Pool and Building) from Hall Motor Company in the amount of $27,624.00. Commissioner Kestner second.
Discussion: appreciation was expressed to Ms. Thorsted for bringing this recommendation for consideration during the beginning of the budget year rather than the end of the budget year.
Motion carried.

Addition:

Property Foreclosure Process – Conversation occurred on an inquiry made by the Assessor’s Office regarding situations where personal property was found on parcels following the land sale process. Occasions had occurred where a purchaser would go and view their new purchase only to determine that a manufactured home had been abandoned or discarded on the property.

Discussion occurred on the example presented. Confirmation was given by Legal Counsel that it would not be wise to approve as an all-inclusive (one form fits all) one time approval. Conversation led to the way in which Quit Claim Deeds are now processed and potential liability the current procedure could have on the County in the future. Per Legal Counsel, property transactions needed to be brought forward on as needed basis. Legal Counsel was instructed to speak with the Planning Director on transactions moving forward.

Commissioner Winters moved to approve the Agreement of Conveyance of Ownership of PPMH #72668 as presented. Commissioner Kestner second. Motion carried.
Department Updates:
No department updates were provided during today’s session.

Executive Session 192.660 ( ) ():
No Executive Session was held during today’s session.

Liaisons:
No Liaison Updates were provided during today’s session.

Recess: 11:22 am
Resume: 1:00 pm

Those in attendance for today’s joint session with the Lakeview Town Council were: Town Council members Mike Warren, Michael Hughes, Sharon Faulkner and Sandra Wenzel, Town Manager Ray Simms, Larry Calkins (DEQ), Kelly Potter (DEQ), Betty Riley (SCOEDD), Fred Smith (SCOEDD) and 2 members of the public.

Mrs. Wenzel called the Town of Lakeview Special Session to order.

Mrs. Riley (Acting Enterprise Zone Manager) presented information on the submitted proposal regarding the extension of the Enterprise Zone approved by the State of Oregon in 2007. This addition was to include approximately ninety acres located adjacent the Lakeview Redi-Mix Plant south of Lakeview. This expansion was expected to allow potential industrial use (although nothing was approved at this time). Required notifications had been forwarded to the taxing districts with no responses received. Approval was needed from both the Town of Lakeview and the County as the Enterprise Zone was co-sponsored by these entities.

1:00 pm – Public Hearing/Enterprise Zone, Resolution 14-06-18
Public Hearing Open: 1:05 pm
Citizen Chris Zinda discussed correspondence presented stating opposition to the expansion of the Enterprise Zone and potential of biomass in the future. Concern was expressed on possible air quality issues that could occur from the location of a biomass plant.

Commissioner Kestner confirmed phone message received from Citizen Dee Benson asking for concern to be expressed regarding potential contamination issues.

Mrs. Riley confirmed that this process was not a land use approval process, but only an extension of a portion of the Enterprise Zone. No land use changes were being proposed.

Public Hearing Closed: 1:13 pm

Proper protocol for joint decision was for the Town to move first. Discussion occurred on the Town of Lakeview Resolution on this matter. Confirmation was given by Mr. Simms that one change had been made to include Enterprise Zone establishment reference dates.

Councilman Michael Hughes moved to approve Resolution No. 864 in the matter on consenting to changing the Enterprise Zone Boundary. Councilwoman Sharon Faulkner second. Motion carried.
Commissioner Winters acknowledged that there were no comments received from the impacted taxing districts and expressed appreciation for their support of potential growth within Lake County.

**Commissioner Winters moved to approve Resolution No. 14-06-18 in the matter of consenting to a Business Oregon Application changing the Enterprise Zone Boundary as presented. Commissioner Kestner second.**

Discussion: Commissioner Winters acknowledged comments received from Citizen Chris Zinda. Confirmation was given on the true acreage included in the Legal Description provided (87.67 acres or 0.137 square miles).

**Motion carried.**

Conversation followed on the information presented by Citizen Zinda.

**Break: 1:19 pm**

**Resume: 1:30 pm**

**1:30 pm – Air Quality/DEQ Discussion**

The PM Advance Committee members present were recognized: Commissioner Kestner, Town Manager Ray Simms, Fred Smith (SCOEDD) and Planning Director Darwin Johnson.

Mr. Calkins confirmed that there were three requests before the Board for today’s discussion:

1. Consideration for endorsement of the IGA presented from Collins Co. (like IGA was previously approved for the US Forest Service) stating their agreement to not burn (prescribed burn) on red days
2. Consideration for endorsement (not approval) of the PM Advance Plan
3. Give authority to move forward with drafted Ordinance(s) related to the PM Advance Plan

Mr. Calkins asked that formal approval of the PM Advance Plan occur at the same time as approval of the Ordinance(s).

Ms. Potter provided input on the process that had been followed for development of the PM Advance Plan and felt that the community had given a good deal of consideration for this draft. Ms. Potter added that this was a positive demonstration to the Legislature of the “good faith effort” occurring for the overall issues of air quality. Anticipated submission of the necessary packet to EPA was by September 30, 2014. Packet would include the approved PM Advance Plan, approved County and Town Ordinances.

Mr. Simms provided information on the background of the process that had been followed since the early 90’s to identify air quality issues and development of a plan to address them. Appreciation was expressed by both Commissioner Winters and Mr. Simms for DEQ’s willingness to assist in this process.

Mr. Johnson extended his appreciation to DEQ and stated his feeling that the Plan presented was appropriate. Confirmation was given that this Plan was to be considered a “working document” to be continually reviewed and to entertain future concerns or industries. Commissioner Kestner added that this had been a team effort.

June 18, 2014 – Board of Commissioners Work Session Minutes – Page 5 of 7
Commissioner Shoun agreed with the health aspects associated with this process and confirmed the “friend” relationship DEQ conveyed. Concerns had been expressed to Congressman Walden regarding wildfire smoke and dust related to health issues not reviewed or considered by the EPA that were caused by non-management of our forests.

Citizen Frank Vaughn stated his agreement that “hands are tied” by the EPA on this and other matters but felt that they were dealing with “junk science” and asked how measurements were taken. Explanation was provided by Mr. Calkins on measurements taken. Mr. Vaughn confirmed his disagreement with the method in which particulates are measured.

Commissioner Winters discussed concerns with Section 5.1.1.3 of the drafted Plan (Potential Future Strategies Considered) including not allowing the use of wood stoves and possibly requesting the Federal Government to stop issuance of firewood permits. Mr. Calkins confirmed these were simply “ideas” for future management. Conversation followed on possible wording changes to this section of the Plan: Section name change to “Ideas reviewed but not included” and removal of “request the feds to quit issuing firewood permits” for numerous issues.

Commissioner Shoun expressed concern with Section 5.1.1.2.1 (Public Education and Awareness) and the need to use caution with submitting something as an “idea” that the EPA could later implement and turn to law. Conversation followed on EPA regulations and monitor modeling.

In terms of the IGA presented by Collins Company, both the Town and County would add to upcoming agendas for review and consideration. Conversation occurred on air quality health related issues and the role education plays on these matters.

Confirmation was given that the Town of Lakeview would begin the process of reviewing/updating Ordinances associated with air quality needs and begin the public hearing process for adoption of the PM Advance Plan and Ordinance. Discussion followed on current outdoor burning restrictions within the Urban Growth Boundary and EPA deadlines to be met.

Discussion occurred on the potential of a “Comment Period” for receiving public comments for the PM Advance Plan and related Ordinances. Cutoff date was set for July 14th for both the Town and the County to receive comments.

Councilman Mike Warren expressed appreciation to DEQ for their “workability” through this process and expressed belief of the positive benefits this Plan would have for citizens of Lake County.

The Board was asked for consensus of the concept of the PM Advancement Plan. Consensus was given by the Lake County Board of Commissioners on the concept of the PM Advance Plan.

Commissioner Kestner and Administrative Assistant were to begin the review process for County Ordinances related to air quality. Conversation followed on potential Public Hearing dates (7-16 and 8-6). Councilwoman Faulkner inquired on changes requested by Commissioner Winters. Conversation followed on the possibility of removing the section in question or update with changes requested. Mr. Calkins agreed that consideration to these concerns needed to be
made in order to avoid having something put into law by the EPA in the future that were not meant to be anything other than future ideas.

Consensus was given by the Lakeview Town Council on the July 14, 2014 comment period cutoff date and for process to move forward for review of the Town air quality ordinance. Consensus was also given on the general concept of the PM Advance Plan.

The Town of Lakeview recessed Session at 2:45 pm. (Session to reconvene at Town Hall)

There being nothing further to come before the Lake County Board of Commissioners, this meeting adjourned at 2:46 p.m.

Respectfully Submitted,

Denise Thorsted
Administrative Assistant

Board Approval,

Dan Shoun
Chairman

Bradley J. Winters
Vice Chairman

Ken Kestner
Commissioner