



BOARD OF COMMISSIONERS MEETING MINUTES

October 20, 2010

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, October 20, 2010 at 10:00 a.m. The following members were present: Chairman Ken Kestner, Dan Shoun and Bradley J. Winters. Also present: Legal Counsel, James Bailey and Administrative Assistant Denise Thorsted.

Additions: Amendment #4 Decision
Community Cookout Decision
Deletions: None

10:00 a.m. – PUBLIC COMMENT:

James Ross, citizen and Frank Vaughn, citizen attended today's meeting. Mr. Ross discussed with the Board the loss to Klamath County of Oregon & California (O&C) timber revenue. The Board explained the benefit to Lake County of efforts to get 10 Year Renewable Funds from the Federal Government.

Commissioner Shoun expressed concern of the public believing that any Board of Commissioners could replace revenue such as the O&C dollars revenue previously added to the General Fund from O&C lands, without raising taxes. Discussion followed on the 10 Year Renewable Program and future management of our forests.

Additions:

Community BBQ Decision

Commissioner Kestner provided a brief summary for those present. Suzanne Steward, Lakeview Redi-Mix and Caro Johnson, Lake County Chamber of Commerce had previously addressed the Board asking for a contribution. The Board had at that time discussed the option of a general fund transfer (most likely from the Economic Development Fund) to the Fairgrounds fund to cover the cost incurred using the Fairgrounds for the Community BBQ.

Commissioner Shoun had an opportunity to have a discussion Ann Crumrine, Lake County Treasurer, regarding the event. He explained that the Fair Board had been given clear direction in the past as to fees that need to be assessed due to the tight budget they are under. As this was a county wide event and the entire county was to benefit from the Ruby Pipeline project, the discussion had been that it would be acceptable to complete a line item transfer within the County budget.

Commissioner Winters wanted the amount transferred to include the cost for having the restroom areas available. Concern was for those with children and for the elderly.

Commissioner Shoun moved to approve funding for the cost of the Fairgrounds from the Economic Development Fund to the Fair Board in the amount that would be charged to any user group along with any associated Fairground fees for the Rockford Community BBQ. Commissioner Winters second. Motion carried.

Mr. Ross asked about the amount the transferred would be for. Commissioner Shoun stated that the maximum amount that had been discussed with Ms. Steward and Ms. Johnson was \$575. Commissioner Kestner confirmed that was to cover the cleaning, maintenance, wear and tear, and heating (among others) on the facility. If the restrooms were used, there would likely be an additional charge.

The event was to be free to all of the citizens of Lake County with the exception of the beer garden.

Commission on Children and Families Amendment #4 Decision

Commissioner Shoun moved to approve the Amendment #4 Oregon Commission on Children and Families 2009-2011 County Intergovernmental Agreement LAK0911. Commissioner Winters second. Motion carried.

Commission Shoun provided a brief explanation to those present that this was to provide a slight reduction to the Commission on Children and Families budget of \$764 due to additional State budget cuts.

10:30 a.m. – Forest Land Classification Update – Dustin Gustaveson

Commissioner Kestner had requested an update on the Forest Lane Classification Committee and the issues that are before them at this time.

Mr. Gustaveson stated that this Committee had been in effect for about a year. Currently, this Committee is looking at classifying the land within the forestry protection (grazing, timber, or exempt ground that does not get classified since it does not pose a fire hazard).

To date the Committee had made the decision to use a five acre mapping size. A brief summary was given. Mr. Gustaveson stated that there was to be a meeting this evening, October 20, 2010, at which a few decisions were expected. One of the decisions expected to be made was on right off ways (such as with power lines) and the classifications of the land around them. Fire aspects of those areas were discussed.

The Committee will be looking at agricultural land as well. Mr. Gustaveson felt that the Committee was currently in agreement that irrigated land will be exempt from being classified. Dry land pastures and areas where cattle are more confined for grazing were still under discussion as to whether or not they would be exempt.

Juniper had been consuming a great deal of discussion including talks with land owners that had significant juniper holdings. The Committee had been involved in a field trip that provided a look at the composition of juniper. They are at this time evaluating scientific studies involving fire behavior and historic fire data from the Oregon Department of Forestry (ODF) involving the cost differences (if any) in fighting a juniper fire versus a timber or sagebrush fire.

Discussion followed on different studies that had been completed over the years. Commissioner Shoun asked about the fire fighting strategies on juniper fires since juniper fires were generally “crown fires”. Mr. Gustaveson provided input. Most of the discussion within the Committee will take place in November.

Commissioner Kestner explained to those present that the Forest Land Classification Committee was a stand alone Committee, the Lake County Board of Commissioners has no oversight on the Committee.

Commissioner Kestner asked Mr. Gustaveson to touch on the tax related to the different categories of rangeland, juniper and timber. Mr. Gustaveson stated that it comes down to the forest land classification of the ground and the fire patrol assessment from the Department of Forestry. Discussion followed on how those are calculated.

Mr. Gustaveson discussed the funding of the fire fighting system and how much of that the land owner should be expected to pay and if they should be expected to pay the brunt of the cost. The land owner contribution currently is 50% with the remaining 50% being paid from the Oregon Department of Forestry general fund for the protection of resources. There is a question as to whether or not the land owner contribution is still valid or not.

Commissioner Winters asked where the Committee’s recommendation for the classification would go to and who makes the final decision on the recommendation. Mr. Gustaveson stated that after going through all of the public meeting law requirements, it will be filed with the County Clerk with a 30 day appeal period with Circuit Court. If appealed, Circuit Court will have the opportunity to weigh in on the issue.

Commissioner Winters confirmed that once the process had been completed, it would be necessary for Phil Isreal, Lake County Assessor, to adjust the land owner tax statements appropriately. Mr. Gustaveson stated that the Committee had been working with Mr. Isreal and that he had been made aware of the potential changes.

The Department of Forestry budget was discussed. Commissioner Shoun inquired about the distribution and the pre-suppression versus the emergency fire funds. Mr. Gustaveson provided the formula used in the distribution of funds.

Commissioner Shoun discussed the Wild Land Fire Leadership Counsel Board that he currently was part of and the similar discussions that have occurred on fire suppression and the change of mind set from both the public and Federal agencies on strategies and tactics involved in fighting wildfires and the costs associated.

Mr. Gustaveson stated that large fires have possibly less impact financially to land owners and district budgets than a wide spread lightning strike event with a small amount of moisture. Discussion followed on how different funds were used.

Commissioner Kestner discussed the possibility of Oregon Department of Forestry incentives to land owners that reduce fire risk, such as juniper. Mr. Gustaveson explained that most of the incentives are through the “Private Forest Program”. An explanation of the program was provided. Unfortunately, the Private Forest Program had in recent years taken the brunt of the budget cuts that had occurred. Funding issues and timber revenues was discussed.

Commissioner Winters inquired about the Forest Service "Travel Management Plan" and the possibility of the closing of management level one roads. He asked about the anticipation of loss of use due to fallen trees or other obstacles. Concern was on the lack of accessibility to fires on private lands. Mr. Gustaveson felt that could become an issue and discussed possible issues with having those roads closed and the impact it could have on an initial attack of a fire.

Commissioner Winters felt that since property owners were paying for fire protection, then access needed to be available in order to provide that service. This was not only necessary for the land owner but to protect our National Forests as well.

Commissioner Shoun asked if the ODF had been invited to attend the meetings where those closers were discussed and if there had been any coordinated effort. Mr. Gustaveson stated that he was not aware of any invitation or coordinated effort.

Mr. Ross inquired about the Committee meetings being public. Mr. Gustaveson confirmed that they were public meetings held in the County Commissioners Board Room and that all meetings were posted in the Lake County Examiner.

Mr. Ross also asked if ODF had anything to do with the salvage of timber following a fire. Mr. Gustaveson confirmed that they did not.

Commissioner Kestner discussed the differences in the assessment between Eastern Oregon and Western Oregon. Mr. Gustaveson discussed the differences in the districts and the composition of fuel in those areas. Mr. Gustaveson provided to the Board print outs which he referred to. The first one being "Fire Protection Coverage Working Group" and the other was the "Fire Protection Funding Concerns in Eastern Oregon". Discussion followed on the information provided.

Commissioner Kestner expressed concern for the disparity between western and eastern Oregon and the amount of taxes paid by private land owners.

Commissioner Winters expressed the difficulty of the task this Committee was facing and commended Mr. Gustaveson for trying to cover all of the bases involved in this process. Mr. Gustaveson shared that appreciation with Cliff Liedtke, Eastern Oregon Director for ODF.

Mr. Gustaveson felt that these were by no means new issues and that unfortunately they had gained little ground over the years. Commissioner Winters asked if there was a projected time frame for the reclassification recommendation. Mr. Gustaveson stated that there were deadlines for certain steps. If those deadlines were not reached on time, they simply fell into the next year. The current goal of the recommendation was 2012.

Mr. Ross asked about the 70% of land that was owned by the Federal Government and how the bill for those lands was to be paid. Mr. Gustaveson explained that the Federal Government pays to protect its own land and the ODF pays to protect private land. Mr. Gustaveson provided information on those contracts and how costs to be paid would depend on how a certain fire is started.

Mr. Gustaveson informed the Board that as of October 19, 2010, the Oregon State Forester had stepped down. They are actively seeking a replacement. In the interim, Nancy Hirsch, Division Chief for the State Forest Program, will serve as the State Forester.

The Board shared their appreciation to Mr. Gustaveson for coming and for providing the update.

Other Business:

Railroad Lease

Commissioner Kestner explained to those present that Bob Pardee, County Lands and Property had been working with Paul Didelius, Lake Railway to update the prior contract that had been with Modoc Northern, to provide a more workable contract that was to be in effect between Lake County and Lake Railway. The final copy is planned to be approved November 3, 2010.

Commissioner Shoun confirmed with Legal Counsel Jim Bailey that Mr. Bailey would meet with Mr. Pardee that afternoon to review and discuss the proposed contract. Commissioner Winters stressed with Legal the importance of staying within the schedule that had been set regarding this matter.

Commissioner Kestner provided a brief explanation of the termination date provided on the contract. Lake County owns the railway between Lakeview and Alturas. Union Pacific owns the railway between Alturas and Klamath Falls. Lake Railway is currently leasing from Alturas to Perez (about halfway between). This contract was to coincide with the contract Lake Railway has with Union Pacific.

Meeting Minutes

Commissioner Winters moved to approve Meeting Minutes from October 12, 2010 as presented. Commissioner Shoun second. Motion carried.

Legal updates

None

Calendar updates

Commissioner Winters provided to the Board the following information:

1. Presentation of ambulance to citizens of Plush by State Senator Atkinson Oct 22, 6:30 pm.
2. November 5th in the Memorial Hall-South Central Oregon Economic Development District (SCOEDD) and Area Commission on Transportation (ACT) meeting.
3. November 8th and 9th Renewable Energy Symposium in Bend.
4. Association of Oregon Counties (AOC) conference-November 15th-18th.

Commissioner Kestner provided the following:

1. October 23 there is a Fair Appreciation Dinner at the fairgrounds @ 5:30 pm.
2. Rockford Community Cookout, Sunday October 24th, 2-5 pm.
3. Out of office beginning the afternoon of October 26th returning November 1st.
4. November 9th - Crook County Drill Team at the Lakeview High School gym.

Discussion followed on the "Renewable Energy and Landscape Conservation" symposium. Commissioner Winters was asked by Mr. Ross what was to be discussed at the symposium. Commissioner Winters explained with was mainly to be about wind energy and sage grouse.

Discussion followed regarding cattle grazing and the positive effects, if handled properly, has on the landscape. Mr. Vaughn discussed his feeling that many times, grazing had been over regulated.

Break: 11:20 a.m.

Resume: 11:32 a.m.

Retire to Executive Session: O.R.S. 192.660 (2) (h): 11:32 a.m.

Regular Session Resumed: 12:32 p.m.

No decisions were made in Executive Session.

By consensus the Board instructed Jim Bailey, Legal Counsel, to work the current potential litigation facing Lake County Government.

There being nothing further to come before the Board, the Lake County Board of Commissioners Regular Session adjourned at 12:33 p.m.

Respectfully Submitted



Denise Thorsted
Administrative Assistant

Board Approval,



Ken Kestner
Chairman



Dan Shoun
Vice Chairman



Bradley J. Winters
Commissioner