

**REGULAR MEETING OF THE
KLAMATH COUNTY BOARD OF COMMISSIONERS
KLAMATH COUNTY LIBRARY SERVICE DISTRICT
MARCH 15th, 2011 – 9:00 A.M.
COMMISSIONERS' HEARING ROOM**

A. OPEN MEETING/THOSE PRESENT/FLAG SALUTE	1.	COMMISSIONERS DENNIS LINTHICUM AND CHERYL HUKILL; DAVE GROFF, COUNTY COUNSEL; LAURA TURNER, RECORDING SECRETARY; TOM COOLEY, VIDEO; MEDIA REPRESENTED BY: JOEL ASCHBRENNER, HERALD AND NEWS; LYLE AHRENS, KOTI; JASON LINK, FINANCE/BUDGET OFFICER; STAN STRICKLAND, PUBLIC WORKS; TOM CRIST, CDD-SOLID WASTE; TIM EVINGER, SHERIFF.		
B. AGENDA ADDITIONS OR DELETIONS	1.	I.1 – DELETION.	B.1	DELETED
C. WEEKLY PROCEEDINGS	1.	IN THE MATTER OF APPROVING THE WEEKLY PROCEEDINGS FOR THE PERIOD OF MARCH 8 TH -14 TH , 2011 – COMMISSIONER LINTHICUM, BOCC.	C.1	APPROVED
D. PRIOR ITEMS APPROVED		NOTE FOR THE RECORD:		
	1.	IN THE MATTER OF AMENDMENT NUMBER TWENTY-SEVEN TO THE DEPARTMENT OF HUMAN SERVICES 2009-2011 INTERGOVERNMENTAL AGREEMENT #127304 BETWEEN THE STATE OF OREGON AND KLAMATH COUNTY (MENTAL HEALTH).	D.1	PRIOR APPROVED
	2.	IN THE MATTER OF AMENDMENT NUMBER TWENTY-EIGHT TO THE DEPARTMENT OF HUMAN SERVICES 2009-2011 INTERGOVERNMENTAL AGREEMENT #127304 BETWEEN THE STATE OF OREGON AND KLAMATH COUNTY (MENTAL HEALTH).	D.2	PRIOR APPROVED
	3.	IN THE MATTER OF AMENDMENT NUMBER TWENTY-NINE TO THE DEPARTMENT OF HUMAN SERVICES 2009-2011 INTERGOVERNMENTAL AGREEMENT #127304 BETWEEN THE STATE OF OREGON AND KLAMATH COUNTY (MENTAL HEALTH).	D.3	PRIOR APPROVED
	4.	IN THE MATTER OF ELIMINATING SUPERVISORY AUTHORITY OF MIKE LONG (BOCC). RS 2011- <u>014</u> .	D.4	PRIOR APPROVED
	5.	IN THE MATTER OF REQUESTING THE RESIGNATION OF MIKE LONG (BOCC). RS 2011- <u>015</u> .	D.5	PRIOR APPROVED
	6.	IN THE MATTER OF TERMINATING MIKE LONG FROM COUNTY EMPLOYMENT IN THE POSITIONS OF TAX COLLECTOR, BUDGET OFFICER AND FINANCE DIRECTOR OR 2011-060 (BOCC). OR 2011- <u>060</u> .	D.6	PRIOR APPROVED
E. PROCLAMATIONS/ PRESENTATIONS	1.		E.1	NONE
F. PUBLIC HEARINGS	1.		F.1	NONE

ANNOTATED

G. BID/AWARDS/ PROPOSALS	1.	IN THE MATTER OF EXECUTE BID AWARD FOR THREE (3) NEW 2011 MODEL ¾ TON, FOUR WHEEL DRIVE, FULL SIZE, EXTENDED CAB, SHORT BOX PICKUPS WITH WINCH- STAN STRICKLAND, PUBLIC WORKS.	G.1	APPROVED
	2.	IN THE MATTER OF EXECUTE BID AWARD FOR THREE (3) NEW 2011 MODEL ¾ TON, FOUR WHEEL DRIVE, FULL SIZE, REGULAR CAB, LONG BOX PICKUPS - STAN STRICKLAND, PUBLIC WORKS	G.2	APPROVED
H. ORDINANCES	1.		H.1	NONE
I. RESOLUTIONS	1.	IN THE MATTER OF RESCINDING RESOLUTION # 2011-010 THE APPOINTMENT OF RAFAEL HERNANDEZ AS INTERIM ASSESSOR AND APPOINTING RAFAEL HERNANDEZ AS ASSESSOR FOR KLAMATH COUNTY- COMMISSIONER LINTHICUM, BOCC. RS 2011-___.	I.1	DELETED
J. ORDERS	1.	IN THE MATTER OF REAPPOINTING JOLAYNE JUSTICE AS COMMISSIONER ON THE RAINBOW PARK/PINE RIDGE SPECIAL ROAD DISTRICT- COMMISSIONER LINTHICUM, BOCC. OR 2011- <u>061</u> .	J.1	APPROVED
	2.	IN THE MATTER OF APPOINTING MONTE KEADY TO THE AMBULANCE ADVISORY COMMITTEE- COMMISSIONER LINTHICUM, BOCC. OR 2011- <u>062</u> .	J.2	APPROVED
	3.	IN THE MATTER OF REAPPOINTING VAL PAULSEN, DOUGLAS OSBORNE, JUSTINE THRONE, CINDY DEROSIER AND JANET MOYETTE TO THE LAW LIBRARY ADVISORY BOARD- COMMISSIONER LINTHICUM, BOCC. OR 2011- <u>063</u> .	J.3	APPROVED
K. AGREEMENTS	1.	IN THE MATTER OF APPROVAL OF AMENDMENT #2 TO THE CONTRACT FOR SERVICES WITH MARK YINGER ASSOCIATES FOR ENVIRONMENTAL MONITORING- TOM CRIST, COMMUNITY DEVELOPMENT- SOLID WASTE.	K.1	APPROVED
L. BUDGET RESOLUTIONS	1.	IN THE MATTER OF APPROVAL TO TRANSFER VEHICLE RESERVE FUNDS TO CDD- JASON LINK, FINANCE. BR 2011- <u>013</u> .	L.1	APPROVED
M. LICENSES	1.		M.1	NONE
N. OTHER COUNTY BUSINESS	1.	IN THE MATTER OF APPROVE PURCHASE "LIVE SCAN" PORTABLE FINGERPRINT SYSTEM- TIM EVINGER, SHERIFF.	N.1	APPROVED
	2.	IN THE MATTER OF ADOPTING THE ATTACHED CITY OF KLAMATH FALLS RESOLUTION AND BALLOT TITLE TO PLACE A THREE YEAR LOCAL OPTION LEVY ON THE MAY 17, 2011 BALLOT FOR FUNDING 88 ADDITIONAL BEDS AT THE KLAMATH COUNTY JAIL- COMMISSIONER LINTHICUM, BOCC.	N.2	APPROVED
O. PUBLIC COMMENT/ PETITIONS	1.	TRISH SEILER, CITY COUNCIL: I WOULD LIKE TO THANK THE BOARD OF COMMISSIONERS FOR THEIR ACTION IN PLACING THE LEVY PROPOSED BY THE CITY ON THE BALLOT. I TRULY APPRECIATE THE AMOUNT OF TIME THAT HAS GONE INTO PREPARING THIS INFORMATION AND THE DISCUSSION THAT WE HAVE ALL GONE THROUGH ON THIS PARTICULAR ISSUE. I BELIEVE IT IS IN THE BEST INTEREST OF THE COMMUNITY AND I DO APPRECIATE THE COMMISSIONERS SUPPORT IN THIS. I WOULD HOPE THAT OUR CONVERSATIONS ON PUBLIC SAFETY WILL CONTINUE. THERE ARE MANY OTHER AREAS OF MUTUAL	O.1	GIVEN

INTEREST THAT I BELIEVE FURTHER CONVERSATION WOULD BE BENEFICIAL AS WELL. AND I'M HOPING AT OUR MEETING ON MARCH 29TH, WE'RE MEETING ON THE TRANSPORTATION SYSTEMS PLAN (TSP), WE CAN BEGIN TO CALENDAR OUT THOSE QUARTERLY MEETINGS WE'VE DISCUSSED PREVIOUSLY THAT WE ALL FEEL ARE VERY IMPORTANT. I THINK THAT THAT KIND OF COMMUNICATION BETWEEN OUR ELECTED OFFICIALS IS INCREDIBLY IMPORTANT FOR PLANNING AND HOW WE USE OUR RESOURCES CAN BE MORE EFFICIENT IN WORKING TOGETHER. SO I LOOK FORWARD TO CONTINUING THAT CONVERSATION WITH YOU AND AGAIN THANK YOU FOR PLACING THE LEVY ON THE BALLOT.

LINDA SMITH, KLAMATH COUNTY CLERK: I JUST WANTED TO MAKE A COUPLE OF COMMENTS ON THE ELECTIONS, BECAUSE OUR OFFICE HAS RECEIVED A COUPLE OF QUESTIONS, SO I THOUGHT I'D JUST CLEAR THEM UP NOW AS MUCH AS I CAN: 1ST VOTER'S PAMPHLET; THERE IS NOT A VOTER'S PAMPHLET PRODUCED FOR THIS ELECTION. SO PEOPLE FROM BOTH SIDES NEEDS TO GET THE WORD OUT HOW EVER YOUR GOING TO DO IT. THERE WILL NOT BE A VOTERS' PAMPHLET. THE ONLY TIME THE KLAMATH COUNTY IS IN A VOTERS' PAMPHLET IS WHEN WE TAG ON WITH THE STATE AND THEY INSERT A PORTION IN THE STATE VOTERS' PAMPHLET, AND THEY PRODUCE THAT ONLY IN PRIMARY AND GENERAL ELECTIONS WHICH ARE MAY AND NOVEMBER OF EVEN NUMBER YEARS. SO THIS ELECTION DOES NOT QUALIFY. THE OTHER THING IS THE DOUBLE MAJORITY QUESTION; SINCE IT IS A TAX MEASURE THAT DOES NOT APPLY TO ANY MAY OR NOVEMBER ELECTIONS ANY MORE. IN 2008, THE VOTERS VOTED ON A STATE MEASURE THAT CHANGED THAT. IT USED TO BE ONLY NOVEMBER OF EVEN NUMBERED YEARS, AND NOW MAY OR NOVEMBER ELECTIONS REQUIRE JUST A SIMPLE MAJORITY, A DOUBLE MAJORITY IS NOT REQUIRED, THANK YOU.

P. COMMISSIONER REPORTS

1. COMMISSIONER HUKILL: ON MARCH 10TH, WE HELD A PRESS CONFERENCE HERE TO ADDRESS THE ATTORNEY GENERAL'S OPINION ON EXCHANGE OF TAX DOLLARS, I JUST WANT TO TALK A LITTLE BIT ABOUT THAT "THE PROPOSED TRANSFER OF RESTRICTED FUNDS FROM THE COUNTY TO THE CITY IN RETURN FOR UNRESTRICTED FUNDS COULD OPEN UP MUCH NEEDED BEDS AT THE KLAMATH COUNTY JAIL" AS ACCORDING TO COMMISSIONER SWITZER. THIS IS AN OPINION WE WERE HOPING TO RECEIVE LAST JUNE AND THIS IS WHAT I WANT TO TALK ABOUT. LAST JUNE WHEN THIS CAME TO US FROM THE CITY ASKING US TO DO THIS, ONLY A STATE OFFICER CAN CARRY IT TO THE ATTORNEY GENERAL'S OFFICE. COUNTY COMMISSIONERS CANNOT DO IT. SO WE WENT TO OUR LEGISLATORS AND OUR LEGISLATIVE COUNSEL IN SALEM AS QUOTED WAS NOT PARTICULARLY HELPFUL IN THAT REGARD, IN FACT THERE WAS A VERBAL THING SAID TO US THAT IS PROBABLY ILLEGAL SO WE COULD NOT PROCEED WITH IT. WE DID NOT STOP THERE, WE DECIDED THEN TO ASK OUR DISTRICT ATTORNEY, ED CALEB WHO IS ALSO A STATE OFFICER TO CARRY IT TO THE ATTORNEY GENERAL'S OFFICE. THIS TIME WE WERE SUCCESSFUL. AND I KNOW THAT WE WERE HOUNDED BY THE HERALD AND NEWS FOR WEEKS. BECAUSE WE KEPT WAITING FOR THAT ATTORNEY GENERAL'S OPINION, THEY TOOK THEIR SWEET TIME AND WE FINALLY GOT IT AND THAT CHECK COULD BE WRITTEN TODAY, HOWEVER I UNDERSTAND THAT THE CITY TOOK A VOTE LAST NIGHT AND I DON'T KNOW HOW THE VOTE WENT BUT THEY ARE NOT GOING TO SWAP WITH US UNLESS THE LEVY PASSES WHICH WON'T BE UNTIL MAY. SO AT THIS TIME, AND I AM DISAPPOINTED THAT WE DON'T HAVE THE SHORT-TERM WHICH WE WANTED, A SHORT TERM FIX THAT WAS NOT GOING TO COST THE TAXPAYERS ONE DIME IN TAXES, AND WE WERE VERY BOLD LAST FRIDAY THAT IS WAS SHORT TERM, MID-TERM IS THE LEVY THAT THE CITY IS PUTTING ON FOR A JAIL LEVY, AND THE LONG-TERM IS IN TWO YEARS WHEN WE COULD GET ON THE 2012 BALLOT A TAXING DISTRICT WHICH MEANS WE WOULD GET A LARGE PORTION OF THE SHERIFF'S FUNDING OUT OF THE GENERAL FUND INTO A PERMANENT TAXING DISTRICT. WHERE THIS GOES NOW, I DON'T KNOW BECAUSE IF THE LEVY DOESN'T PASS I GUESS WE'RE STILL NOT GOING TO HAVE THE JAILS OPENED. SO, I'M SAD THAT WE DON'T HAVE THAT SHORT TERM RIGHT NOW. BUT, IT IS LEGAL SO WE DO HAVE IT IF WE NEED IT LATER.

COMMISSIONER LINTHICUM: JUST A QUICK COMMENT ON THAT, THE ATTORNEY GENERAL, I THOUGHT DID A WONDERFUL JOB OF COMING TO HIS OPINION AND HIS OPINION IS 9 PAGES LONG. HE KIND OF

P.1 GIVEN

WEIGHED THROUGH ALL OF THE ISSUES, ONE OF THE MOST IMPORTANT ITEMS THAT HE TOOK TIME TO WEIGH THROUGH WAS THE IDEA OF A “SWAP” AND HE BASICALLY NIXES THAT NOTION ENTIRELY THAT THERE IS NO AUTHORITY FOR “SWAPPING”. WHERE THERE IS AUTHORITY HOWEVER IS THROUGH AN INTERGOVERNMENTAL AGENCY AGREEMENT FOR THE CITY TO CHOOSE OF THEIR OWN FREE VOLITION TO FUND THE JAIL AND IF IN SOME EQUITABLE FASHION THE COUNTY CHOOSES TO USE ROAD FUNDS FOR A PORTION OF CITY ROADS THAT’S CERTAINLY WITHIN THE COUNTY’S AUTHORITY TO DO. THE CITY OF KLAMATH FALLS LIES WHOLLY WITHIN THE COUNTY BOUNDARY. AND SO BOTH OF THOSE ITEMS IS JUST CLARIFICATION, THERE IS NO LAUNDERING OF MONEY, THERE IS NO SWAPPING OF MONEY THERE’S ONLY A CHOICE BY THE CITY OF KLAMATH FALLS AND A CHOICE BY KLAMATH COUNTY TO ENGAGE IN THESE INTERGOVERNMENTAL AGREEMENTS. AND SO I THOUGHT HIS WORDING WAS VERY WELL PUT IN TERMS OF THE LEGALITIES. HE ALSO GOES THROUGH ALL THE VARIOUS ORS. REQUIREMENTS AND WHAT NOT. IT’S A FUN READ WHEN YOU’RE SLEEPY SOMETIME. I HAVE ANOTHER PRESS RELEASE, (ATTACHED) I WILL READ IT IN ITS ENTIRETY FOR THOSE WHO ARE WATCHING IN THE TAPED VERSION OR PUBLIC TELEVISION, BUT ONE OF THE ITEMS THAT KEEPS LANDING IN THE FOREFRONT OF THE NEWSPAPER IS REGARDS TO A HERALD AND NEWS PUBLIC RECORDS REQUEST, AND THE COMMISSIONERS HAVE AT THIS TIME DENY THAT REQUEST, AND THERE’S MUCH MORE GOING ON THAN “OH THOSE COMMISSIONERS ARE TRYING TO HIDE STUFF FROM THE PUBLIC”, AND SO WHAT I’D LIKE TO DO IS GO AHEAD AND READ THROUGH A PRESS RELEASE THAT WE, IT’S OVER HERE ON THE TABLE AND YOU CAN TAKE IT WITH YOU AS WELL AS I WILL READ IT IN ITS ENTIRETY HERE AND WHAT WE ARE SIMPLY ATTEMPTING TO DO IS SHOW THAT WHAT WE ARE FACED WITH IS A STATUTORY BALANCING ACT. AND FIRST OF ALL, JUST TO START WITH OREGON PUBLIC RECORDS LAW STATES THAT “EVERY PERSON HAS A RIGHT TO INSPECT ANY PUBLIC RECORD OF A PUBLIC BODY IN THIS STATE, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED...”

(SEE ATTACHED DOCUMENT FOR MORE PRESS RELEASE)

I WAS OUT SICK ALL LAST WEEK FROM LAST TUESDAY’S MEETING, SO I DON’T HAVE ANYTHING ELSE TO REALLY REPORT FOR THE COMMISSIONERS REPORT THIS WEEK.

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| Q. LIBRARY SERVICE DISTRICT ISSUES | 1. | | Q.1 NONE |
| R. DRAINAGE SERVICE DISTRICT ISSUES | 1. | | R.1 NONE |
| S. ADJOURNMENT | 1. | ADJOURNED FROM REGULAR SESSION AT 9:50 A.M. | |

KLAMATH COUNTY COMMISSIONERS E-MAIL ADDRESS "BOCC@CO.KLAMATH.OR.US". KLAMATH COUNTY WEB SITE WWW.KLAMATHCOUNTY.ORG INVITATIONS TO BID AND REQUESTS FOR PROPOSALS FOR ALL COUNTY PROJECTS AND SERVICES CURRENTLY OPEN, ARE NOW AVAILABLE ONLINE AT WWW.KLAMATHCOUNTY.ORG CLICK ON DEPARTMENTS, ADMINISTRATIVE SERVICES AND CONTRACTS/GRANTS. NOTE: ALL ITEMS COVERED UNDER ORS 294.250 ARE POSTED AT THE COMMISSIONERS' OFFICE AND THE LIBRARIES; COPIES OF PROCEEDINGS ARE AVAILABLE FROM THE COMMISSIONERS' OFFICE. THE MEETING FACILITY IS HANDICAPPED ACCESSIBLE. PERSONS NEEDING MATERIALS IN ALTERNATE FORMAT OR COMMUNICATION ACCESS, SUCH AS A SIGN INTERPRETER, MAY TELEPHONE THIS OFFICE AT (541) 883-5100 (VOICE/TDD) OR THE ADA COORDINATOR AT (541) 883-4296 (VOICE/TDD) AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING.