CONVENED:

10:29 a.m.

BOARD OF COMMISSIONERS:

Chairman Tom Brian
Vice Chair Roy Rogers
Commissioner Dick Schouten
Commissioner John Leeper
Commissioner Andy Duyck

STAFF:

Charles D. Cameron, County Administrator
Dennis Mulvihill, Intergovernmental Relations Specialist
Gerald Kubiak, Governmental Affairs Assistant
Dan Olsen, County Counsel
Kathy Lehtola, Director, LUT
Paul Schaefer, Senior Planner, LUT
Theresa Hunker, PSCC Secretary, Sheriff’s Office
Bill Gaffi, General Manager, CWS
Patt Opdyke, CPO Coordinator
Jeff Friend, AudioVisual Specialist
Barbara Hejtmanek, Recording Secretary

PRESS:

Laura Oppenheimer, The Oregonian

APPROVAL OF MINUTES:

December 17, 2002

SWEARING-IN CEREMONY

Prior to this Board meeting, Judge Marco Hernandez swore into office the following elected officials:
Chairman Brian then conducted a ceremonial swearing-in of Commissioner John Leeper, representing District 2.

Applause and signing of official documents followed each swearing-in.

1. BOARD OF COMMISSIONERS

1.a. MO 03-1

Appoint Vice Chairman of the Board of Commissioners (All CPOs)

There was a motion to appoint Commissioner Roy Rogers as Vice Chair for 2003, with full authority to officiate meetings, execute documents and generally act on behalf of the Chairman in his absence or when he is unavailable.

Motion - Leeper
2nd - Schouten
Vote - 5-0

Chairman Brian observed that this is Commissioner Rogers' fourth year as Vice Chair over his eighteen years of service. He looked forward to working with Commissioner Rogers and valued his experience.

The Chair acknowledged Commissioner John Leeper, who served as Vice Chair during 2002. Chairman Brian announced that Commissioner Leeper did an excellent job and was very effective and involved in numerous activities on behalf of the County. He appreciated Commissioner Leeper's enthusiasm and expertise relative to his role as Commissioner and as Vice Chair last year. On behalf of the Board, Chairman Brian presented Commissioner Leeper with an engraved desk clock in recognition of his service as 2002 Vice Chair. He thanked him for the extra time he spent on Vice Chair duties.

Commissioner Leeper received applause from the audience as he accepted his gift.

1. CONSENT AGENDA

Chairman Brian announced the following modifications to the Consent Agenda:

- There is clarification on item b. of the total cost of the agreement: $861,560.
- An off docket item from Clean Water Services entitled "Approve a 36-Month Contract with Polydyne, Inc. for the Purchase of Dewatering Polymer" is added to the Consent Agenda.
It was moved to adopt the Consent Agenda, as modified.

Motion - Schouten
2nd - Rogers
Vote - 5-0

CLEAN WATER SERVICES

1.a.
CWS RO 03-1

Acquire Easements to Provide Sanitary Sewer, Water Quality Preservation and Storm and Surface Water Drainage to Property in Clean Water Services' Service District (Approved Under Consent Agenda)

1.b.
CWS MO 03-1

Approve Seventh Amendment to Agreement for Architectural Services with SRG Partnership for Additional Architectural Services on the Administration Building (CPO 9) (Approved Under Consent Agenda)

1.c.
CWS RO 03-2

Endorse Boundary Change Proposal No. WA-5602 for Annexation to Clean Water Services' Service District (CPO 9) (Approved Under Consent Agenda)

1.d.
CWS MO 03-2

Accept the Construction of the Beaverton Interceptor Upgrade Project and Release Retainage to John L. Jersey & Son, Inc. (CPO 2) (Approved Under Consent Agenda)

1.e.
CWS MO 03-3

Approve Fourth Modification to the Sixth Amendment to the Master Agreement for Engineering Services with CH2M Hill Rock Creek Phase 5 (Approved Under Consent Agenda)

1.f.
CWS MO 03-4

Award Contract for Constructing the Durham Headworks Operational Improvements Project to Stellar J. Corporation and Exempt the Purchase of Certain Goods from Competitive Bidding Requirements (Approved Under Consent Agenda)

1.g.
CWS MO 03-5

Accept the Hillsboro Wastewater Treatment Facility Influent Pump Station Emergency Upgrade Project as Final and Authorize the Release of Retainage to PCI Mechanical Construction (Approved Under Consent Agenda)

1.h.
CWS MO 03-6
Approve Two-Year Contract with Schwabe Williamson & Wyatt, PC and Perkins Coie, LLP for Legal Assistance (Approved Under Consent Agenda)

1.i.  
CWS MO 03-7

Approve Amendment to Agreement with Stoel Rives for Legal Representation on Contractors, Inc. Litigation (Approved Under Consent Agenda)

1.j.  
CWS MO 03-8

Accept the Construction of the White Pine Storm Project as Final and Release Retainage to Valley Pacific Construction, Inc. (CPO 3) (Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.k.  
MO 03-5

Approve Amendment to Contract with David Evans and Associates for Engineering Services for the Baseline Road Project Phase 3 (CPO 6, 7, 9) (Approved Under Consent Agenda)

1.l.  
MO 03-6

Approve Agreement with Clackamas County for Right-of-Way Services (All CPOs) (Approved Under Consent Agenda)

1.m.  
RO 03-4

Approve Establishment of a Road Maintenance Local Improvement District (MLID) for Deerspring Heights (CPO 1) (Approved Under Consent Agenda)

1.n.  
RO 03-5

Approve Fiscal Year 2004-2007 Metro Transportation Improvement Program (MTIP) Project Submittals (CPO 1, 5, 6, 7) (Approved Under Consent Agenda)

1.o.  
RO 03-6

Approve Vacation of a Portion of SW Kensington Road (CPO 3) (Approved Under Consent Agenda)

1.p.  
RO 03-7

Approve Declaration of Necessity for Right-of-Way Acquisition on Murray Boulevard at Maverick Terrace; Authorize Agreement with City of Beaverton (Approved Under Consent Agenda)

COUNTY ADMINISTRATIVE OFFICE

1.q.  
RO 03-8

Approve Revised Metropolitan Area Communications Commission Agreement (Approved Under Consent Agenda)
COUNTY COUNSEL

1.r.
MO 03-7
Designate Newspapers of General Circulation in Washington County (Approved Under Consent Agenda)

DISTRICT ATTORNEY

1.s.
MO 03-8
Authorize Acceptance of State Funds from State Department of Justice for Victim Assistance Services (Approved Under Consent Agenda)

HEALTH AND HUMAN SERVICES

1.t.
MO 03-9
Approve the Washington County 2003-2005 Implementation Plan for Adult and Adolescent Chemical Dependency Treatment and Prevention Services and Adult Gambling Prevention and Treatment Enhancements (Approved Under Consent Agenda)

1.u.
RO 03-9
Approve a Resolution and Order Increasing Budget Appropriations for the Department of Health and Human Services (Approved Under Consent Agenda)

SUPPORT SERVICES

1.v.
MO 03-10
Authorize Purchase Orders for Hardware and Small Tools (Approved Under Consent Agenda)

1.w.
MO 03-11
Accept Bid/Award Contract for Steel Sign Posts (Approved Under Consent Agenda)

1.x.
MO 03-12
Approve Revisions to County Travel Policy (Approved Under Consent Agenda)

1.y.
MO 03-13
Accept Bid/Approve Purchase of Uninterrupted Power Supply Units (UPS) (Approved Under Consent Agenda)

SERVICE DISTRICT FOR LIGHTING NO. 1-A COUNTY SERVICE DISTRICT

1.z.
SDL RO 03-1
Form Assessment Area, Authorize Maximum Annual Assessment, and Impose a First Year Assessment for Bonnyglenn (CPO 1) (Approved Under Consent Agenda)
1.aa.
SDL RO 03-2

Form Assessment Area, Authorize Maximum Annual Assessment, and Impose a First Year Assessment for Coulter Ridge (CPO 6) (Approved Under Consent Agenda)

1.bb.
SDL RO 03-3

Form Assessment Area, Authorize Maximum Annual Assessment, and Impose a First Year Assessment for Engel Park (CPO 6) (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

None.

3. BOARDS AND COMMISSIONS

3.a.
MO 03-2

Consider Appointments of Lay Citizen Members to the Public Safety Coordinating Council (PSCC) (All CPOs)

There was a motion to reappoint Don Otterman and to appoint Randy Kayfes and Katie Mueller to fill vacant lay citizen seats on the PSCC with terms to expire on 1/1/05.

Motion - Leeper
2nd - Schouten
Vote - 5-0

4. PUBLIC HEARINGS - LAND USE AND TRANSPORTATION

4.a.
MO 03-3

Deny the Annexation of One Parcel Encompassing 0.5 Acres to Clean Water Services District

Kathy Lehtola recalled that this item was continued from October 15, 2002 because the parcel in question is within the Clackamas County Surface Water Management Agency (SWMA) and had not been de-annexed from that agency in order to be able to be annexed to Clean Water Services. She explained that staff had therefore been recommending denial of this annexation request. However, Mrs. Lehtola informed the Board that staff just yesterday received confirmation from the applicant that he has filed a request to de-annex from the Clackamas County Surface Water Management Agency. (Letter from applicant may be found in the Meeting File.) She now recommended an indefinite continuance of this agenda item and promised to bring this back to the Board at such time as the applicant completes the de-annexation process in Clackamas County.

The public hearing was opened.
No public testimony was received.

It was moved to continue this public hearing indefinitely.

Motion - Duyck  
2nd - Schouten  
Vote - 5-0

4.b.  
**RO 03-1**

Approve the Annexation of Approximately 1.83 Acres to Clean Water Services District (CPO 9)

Kathy Lehtola stated that this is a request to annex two parcels encompassing 1.83 acres to Clean Water Services. She identified the location of the property as being on the south side of Baseline Road in the city of Hillsboro. Mrs. Lehtola said that the intent is to develop the area into a ten-lot, single-family residential planned development. She explained that this is not possible without being annexed to Clean Water Services. Mrs. Lehtola recommended approval of this annexation.

The public hearing was opened.

No testimony was forthcoming.

The public hearing was closed.

It was moved to adopt a Resolution and Order approving the annexation with the approval becoming effective immediately.

Motion - Rogers  
2nd - Leeper  
Vote - 5-0

4.c.  
**RO 03-2**

Approve Vacation of a Portion of a County Road (CPO 1)

Kathy Lehtola observed that this is a request to vacate a portion of a County road. She requested that the Board continue this matter for two weeks. Mrs. Lehtola explained that one side of the road will be vacated back to the adjoining property owners. She mentioned that the Tualatin Hills Park and Recreation District has expressed an interest in the other side and is attempting to make contact with the developer who owns that parcel. Mrs. Lehtola expected that the two parties ought to be able to communicate within two weeks.
The public hearing was opened.

No public testimony was given.

It was moved to continue this public hearing for two weeks to January 21, 2003.

Motion - Leeper
2nd - Schouten
Vote - 5-0

Commissioner Schouten was hopeful that Tualatin Hills Park and Recreation District would be able to pick up property rights on this property, which would be appropriate for trail use. He believed that the piece of property at the north end of the park district could eventually become part of the regional power line trail system, which would extend the length of Washington County.

4.d.
RO 03-3

Approve the Surrender of Jurisdiction of Certain County Roads to the City of Hillsboro (CPO 9)

Kathy Lehtola noted that this is a request for the Board to approve the surrender of jurisdiction of various small, local roads to the City of Hillsboro. She related that there is complete agreement upon this course of action and that no issues have been identified.

The public hearing was opened.

No public testimony was offered.

The public hearing was closed.

It was moved to approve the Resolution and Order surrendering jurisdiction of certain County Roads to the City of Hillsboro. (CR 3161 T/J)

Motion - Rogers
2nd - Duyck
Vote - 5-0

5. COUNTY ADMINISTRATIVE OFFICE

5.a.
MO 03-4

Approve Proposed County Legislative Agenda for the 2003 Oregon Legislative Session (All CPOs)
Chairman Brian observed that the proposed legislative agenda is fluid in nature due to a variety of uncertainties involved in a Legislative Session. He recognized that staff has done a lot of work in trying to identify the issues that the County should be addressing in the Legislature.

Dennis Mulvihill referenced materials distributed at today's Worksession during his presentation and these may be found in the Meeting File. He indicated that the Legislative Agenda contains 19 priorities, six of which are top priorities. In the interest of time, Mr. Mulvihill focused on the latter. He noted that local control principles are imbedded in the legislative process. Mr. Mulvihill said that issues may arise which are called top priority, such as ones that seek unfunded mandates, preemption of local taxing authority, redistribution of historically-shared State revenues with the County, or required backfilling of cuts in State programs at the local level. He concentrated on the current top priority issues:

State Parks

There are $2 million dollars in the State Parks budget-placed there under the recommendation of the State Parks and Recreation Commission. These are constitutionally-dedicated lottery funds (not general funds). Competition is not expected for the balancing of the State budget. There are, however, always others seeking money for their State parks. The Washington County State Park is favored by the State Parks Commission.

Commuter Rail

$35 million dollars were authorized and appropriated for commuter rail in 2001-2002. This calls for a $20 million dollar bond sale in 2003, which will take place between now and July. It also calls for $15 million dollars to be authorized for a bond sale for 2003-2005. This particular action needs to be in the Department of Transportation's budget. It is, in fact, in the budget and Washington County will support that.

Community Corrections

This is particularly difficult for the County. Current law calls for the County to accept all felons with less than one year of time left in the penal institution. The County is bound to take care of them and their rehabilitation. The State, however, provides the reimbursement formula. What the State places into the budget can cause the County to lose a lot of money. Given the climate in Salem with the budget shortfalls, this promises to be a very contentious issue and Washington County needs to be diligent in following it.

Public Employees Retirement System (PERS)

This agenda seeks to put more predictability and stability into the PERS system by reducing or eliminating the unfunded liabilities that exist. It also seeks to implement administrative practices to bring about more efficiency and effectiveness in that system. There are many players involved in this and Washington County will be one of them.
Mental Health

This is an issue that covers the entire State and Washington County will be a player in it. The litany of news stories that have been put out on this particular issue has made it clear that there is a long-term unmet need in this area and that actions are needed.

Commissioner Duyck asked if the document distributed at Worksession is in the form in which it will be presented to Legislators.

Dennis Mulvihill responded that this is a draft, which will be refined based upon conversations he has with Board members and feedback received from Commissioners. He promised to show the document to Board members before it goes out to legislators.

Commissioner Duyck was glad to hear this because he wanted to ensure that the concerns he expressed during today's Worksession are addressed.

Chairman Brian thanked Mr. Mulvihill for this presentation and looked forward to a very interesting Legislative Session.

It was moved to approve the proposed 2003 County Legislative Agenda.

Motion - Duyck
2nd - Leeper
Vote - 5-0

Commissioner Duyck emphasized that the motion includes recognition of the concerns expressed earlier at today's Worksession.

6. ORAL COMMUNICATION (10 MINUTE OPPORTUNITY)

None.

7. BOARD ANNOUNCEMENTS

Chairman Brian announced that the Board will reconvene in Worksession about five minutes following adjournment of this Board Meeting.

Commissioner Schouten mentioned that his older daughter turned 18 years of age a few days ago and must register to vote by January 7, 2003. He used this occasion to remind everyone of that deadline and encouraged others to register by the end of today.

Chairman Brian added that the County's Elections Office physically is located on Murray Boulevard and registrants will need to go there for a ballot as it is too late to do this by mail.

The Chair ended the meeting by wishing all a happy, safe, productive, and successful 2003!

8. ADJOURNMENT:
10:48 a.m.

Motion - Schouten
2nd - Rogers
Vote - 5-0

MINUTES APPROVED THIS ___ DAY _______________________________ 2002

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RECORDING SECRETARY    CHAIRMAN

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