

**MINUTES & NOTICE OF BOARD ACTION**

APPROVED Sept. 4, 1996



**LANE COUNTY BOARD OF COMMISSIONERS**

*This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.*

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

June 26, 1996	PUBLIC HEARING	Commissioners'
1:30 p.m.	BOARD OF COUNTY COMMISSIONERS	Conference Room

Chair Bobby Green, Sr. presided with Steve Cornacchia, Ellie Dumdi, Jerry Rust and Cindy Weeldreyer present. Sharon Giles, Recording Secretary.

1. **PUBLIC COMMENTS**

None.

2. **EXECUTIVE SESSION as per ORS 192.660**

None.

3. **PUBLIC HEARINGS**

- a. CONTINUED LIMITED PUBLIC HEARING/ORDER 96-6-19-14/In the Matter of Hearing Objections to Final Assessments, Accepting the Directors Report, Certification of Assessments for the Fisher Dike Repair on the Middle Fork of the Willamette River Near River Mile 199.4 and Setting a Lien.

Don Maddox, Public Works Real Property Manager, briefly reviewed the history of this item (see material on file), noting that the public hearing was continued to give Calvin Speckman the opportunity to remonstrate. He summarized that a remonstrance was received from Speckman and that total remonstrances are 52.8% of the land area as now adjusted.

Green opened the Public Hearing.

Calvin Speckman, 37499 Wheeler Road, Pleasant Hill, commented that he was not at the meeting on June 19 as he was not aware of it, but did read things in the newspaper and would like to comment on what he has heard. He stated that he was concerned about the intentions of the County Commissioners. Speckman remarked that the dike repair and the \$50,000 is not the real issue. He noted that the dike problem was pointed out two years before it broke, and unfortunately the government agencies did not want to become involved to prevent it. Speckman stated that it appears that the Board wants the citizens to form a dike district to take over, but also wants to take "retaliatory" action against those who helped to prevent the disaster, asking how this would help bring the people together. He observed that the commissioners moved to assess those who benefitted from the dike repair and that that excludes him because the County repair was conducted on the property downstream. Speckman reported that both the County and the Corps of Engineers stated, at the time, that the repairs would not benefit him. He noted that the County was authorized to take action to prevent the loss of homes, not agricultural property. Speckman stressed that his parcel of property by the dike would be agricultural as his home is on another parcel one-half mile away and one-quarter mile upstream from the problem.

Rust questioned the use of the term "retaliatory," asking Speckman if he benefitted in any way. He asked Speckman if he had some type of proof that the County is trying to retaliate and also asked him to state his case for exclusion. Speckman indicated that he believes his name was added to the list as he was "among the most vocal" of property owners. Rust remarked that there has been discussion about the water coming across the corner of Speckman's property. Cornacchia observed that the use of the term "retaliation" typically takes a first action to occur, asking Speckman what was it that would have occasioned retaliation. Speckman spoke again about being singled out for being vocal.

Cornacchia recalled a conversation he had with Speckman on Speckman's property wherein Speckman was extremely appreciative of the County coming to save "all of our property," including himself in that. He also recalled Speckman saying something along the lines of "when the time comes, I'll be there to cover my share." Speckman commented that there is a big problem upstream and everyone needs to work together, stating that now neighbors are angry at each other. He stated that the dollar value is not a big issue to anybody.

Dumdi received clarification of the exact location of Speckman's property, using maps on record. She remarked that the County stepped in because of the possibility that the water would affect County roads. Dumdi added that the dike was not built by the County and it was never the County's responsibility. She stated that the Corps of Engineers built the dike and then a diking district was formed which was eventually dissolved.

Rust reiterated that the only question is if Speckman's property was benefitted. Responding to Rust, Maddox stated that it would take technical analysis to determine the impact on Speckman's property if the dike had breached. Rust recalled that the criteria was to include everything downstream and in the original diking district and that Mr. Speckman was not in the original diking district. Rust stated the he believes that, based on the costs of hydrological examination, it would be legally safest to omit Speckman and assess the balance.

Cornacchia invoked common sense, stating that the dike repair occurred on Speckman's property and that any breach would logically wash away areas upstream and downstream. He noted that Speckman seemed to believe that his property was in danger of flooding.

Green closed the Public Hearing.

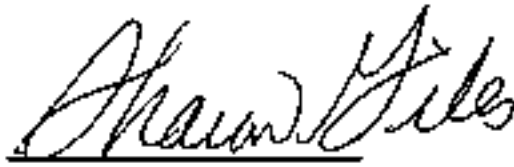
Responding to Cornacchia, Stephen Vorhes, Assistant County Counsel, observed that without further hydrological study, there will always be some question about the potential impact on Speckman's property. He stated that it was his impression that a small portion of Speckman's property was in the original diking district. Vorhes stressed that the County did go in and make the improvement and now has a basis to make the call on benefitting properties. He also noted that Speckman received some benefit from the protection of roads used to access his property, stating that he believes the Board is on "fairly good ground" to make the call to include Speckman.

MOTION: To include Speckman's property in the assessment, based on Vorhes' analysis and Cornacchia's comments regarding his conversation with Speckman. Dumdi MOVED, Cornacchia SECONDED. Vorhes provided a point of clarification, noting that the Board had last week decided to use "Option B," which excludes administrative costs in the assessment, to use a ten-year payback option and to exclude the Buehler property. Dumdi and Cornacchia concurred. VOTE: 4-0.

#### 4. EMERGENCY BUSINESS

Teresa Wilson, County Counsel, indicated that Captain John Clague, Sheriff's Office, was present and wished to make a report on the Building H remodel reconciliation. Clague referred to his June 25 memorandum (see material on file). He indicated that the \$101,271 accounting adjustment was made as of June 10. Responding to Cornacchia, Clague stated that the amount would be balanced through Public Safety's general fund budget, using dollars from police services, transport detail, overtime and vacant positions. David Garnick, Senior Management Analyst, observed that the adjustment would reduce Public Safety's lapse.

There being no further business, this meeting adjourned at 2:16 p.m.



Sharon Giles  
Board Secretary