

MINUTES & NOTICE OF BOARD ACTION

APPROVED 2-4-98

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.

November 25, 1997
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Commissioners'
Conference Room

Chair Cindy Weeldreyer presided with Steve Cornacchia, Ellie Dumdi, Bobby Green, Sr., and Peter Sorenson present. Tarra Withers, Recording Secretary.

9. COUNTY COUNSEL

Public Hearing continued from morning meeting.

- a. CONTINUED PUBLIC HEARING AND ORDER 97-11-25-11/In the Matter of Establishing the Boundaries for the Proposed Annexation of Most of the Area of the City of Cottage Grove to the Emerald People's Utility District, Calling for an Election, and Providing a Ballot Title

Thomas Nelson, 1001 SW 5th Suite 1900, Portland, OR stated that, following a discussion with County Counsel there was an agreement to work out a ballot title with anyone interested.

Weeldreyer asked Teresa Wilson, County Counsel, for additional comments on the procedure of the order being presented.

Wilson said the Board could close the public hearing and determine the boundaries, make a finding whether the petition meet the provisions of the statute, and then wait to call the election for a week and allow a week to pass for a group to gather to create a ballot title.

Weeldreyer closed the public hearing.

MOTION: Approve Order 97-11-12-11/In the Matter of Establishing the Boundaries for the Proposed Annexation of Most of the Area of the City of Cottage Grove to the Emerald People's Utility District and Calling for an Election.

Sorenson MOVED, Cornacchia SECONDED.

Sorenson said he saw a lot of merit in not moving forward with the ballot title and looks forward to seeing what work can be done for an agreeable ballot title.

Cornacchia said as a recommendation to counsel he would like consideration to be given to the statement from Nelson's summary that states, "Approval of this measure would authorize Emerald Peoples Utility District to proceed to acquire Pacific Power's distribution system in Cottage Grove, including through the use of its power of condemnation." Cornacchia said for the most part the sentence was a straight fact. Cornacchia stated that along with discussion about the need to alert individuals on taxing power and condemnation power, there also needs to be discussion about the other things that are inherit in EPUD.

Dumdi stated the petition was signed by individuals within the proposed area and the Board could not override that decision. Dumdi said PP&L and EPUD should tell their story and let the voters decide. Dumdi stated the Board did not have the prerogative to deny people the opportunity to vote.

Green stated he supported the motion and concurred with Dumdi's comments. Green questioned if the issue was about a free market, a competition for delivery of services.

Wilson said the Emerald Peoples Utility District (EPUD) would have to make a choice if the election was to be approved. Wilson said the choice was whether EPUD would want to take over the existing distribution system or build their own. Wilson said the area of confusion is that EPUD was distinct and not regulated by the Public Utility Commission. She said what has typically happened is that the utility district buys or condemns privately owned districts.

Cornacchia said he would modify his comment upon the legal analysis by counsel, and if this was just an issue of competition, then Nelson's statement was inaccurate. Cornacchia said he was interested in the legal environment of the operation of the districts. Cornacchia said once annexation occurs, and the only way to provide service is to take over the other district, then Nelson's statement would be accurate.

Wilson stated Nelson's statement reflects what was most commonly and likely to happen.

Weeldreyer said, based on counsel review of the statues, the Board has no alternative but to call a vote and let the voters decide.

Responding to Cornacchia's question of whether or not elections had the opportunity to verify the signatures on the petition, Wilson stated that elections verified the signatures in August, and when looking at the number of certified signatures, elections specifically excluded anyone who was already a member of the Emerald People's Utility District.

VOTE: 5-0.

Cornacchia stated he was disappointed in the article written by Wayne Clark in the Cottage Grove Sentinel. Cornacchia said several of the comments in the article were inaccurate. Cornacchia stated the comment from Jeff Shields that said Cornacchia did not want to hear from Ann Marrow because she is a paid staff person was wrongly stated. Cornacchia stated what he wanted to hear were comments from elected officials of EPUD, who were not present at the meeting, because those individuals were going to be responsible to the public and their district. (See material on file).

Dumdi stated the headline for the article was misleading because the Board had not yet voted on the issue.

Responding to a ballot title draft, Wilson stated a similar ballot title was proposed for the annexation of balance of St. Helens into a People's Utility District (see material on file).

The Board gave direction to work with the groups County Counsel suggested and meet the necessary deadline for the ballot to appear on the March election.

12. REVIEW ASSIGNMENTS

Item 7. b. will be rolled for continued discussion at a later date.

The ballot title for Order 97-11-25-11 would be reworded.

13. EMERGENCY BUSINESS

None.

There being no further business, this meeting adjourned at 2:15 p.m.

Tarra Withers

Tarra Withers, Recording Secretary