

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, July 28, 1999

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COMMISSIONERS PRESENT:

Sue Cameron, Chairperson
Tim Josi, Vice Chairperson
Gina Firman, Commissioner

STAFF PRESENT:

William K. Sargent, County Counsel
Mary Wujcik, Board Assistant

STAFF PRESENT FOR PORTIONS OF MEETING: Lynne Krueger, Planner; Vic Affolter, Community Development Director; Greg Verret, Planner; Elza Beck, Office Specialist; Jim Hill, Code Enforcement; Beth LaFleur, Planner; Nancy Steiner, Building Official; George Plummer, Senior Planner, Craig Wakefield, Building Inspector; Craig Schwinck, Human Resource Director; David Pickering, Human Resource Analyst; Jon Oshel, Public Works Director; Pat Oakes, Engineering Project Supervisor; Sheriff Tom Dye; Tom Manning, Emergency Management Director

GUESTS: Lou Minisce, Works Solutions, Inc.; Don Ebel, North Coast Senior Services; Rich Gitschlag; See attached guest list

CALL TO ORDER: By Chair Cameron at 9:00 a.m. in the Commissioners' Meeting Room "A".

NON-AGENDA ITEM: Employee of the Month for July - Lynne Krueger: Chair Cameron said this was the first item for the meeting. She said this was a real honor, Ms. Krueger was chosen by her peers. Commissioner Firman read the press release; Ms. Krueger works in the Community Development Department as an Associate Planner. The Board complimented Ms. Krueger on her selection.

ITEM NO. 1: PUBLIC INPUT: There was none.

ITEM NO. 2: CONSENT CALENDAR:

Order #99-95, Appointing Members of Pools of People Willing to Serve on the Tillamook County Board of Property Tax Appeals;

Agreement with Tillamook County General Hospital for Tillamook Healthy Families Project through the Commission on Children & Families;

Grant Agreement with the Oregon Commission on Children & Families for Tillamook County Commission on Children & Families in the Amount of \$134,655;

Consideration of Intergovernmental Lease Agreement with the State of Oregon Youth Authority for Office Space Located in the Tillamook County Juvenile Department;

Commissioner Firman moved to approve the consent calendar, Commissioner Josi seconded, passed with three aye votes.

The Commissioners signed the items later in the day.

NON-AGENDA ITEM: North Coast Senior Services Report: Mr. Ebel distributed copies of his report. He said he usually presented the report on the audit but now he would leave that to the Board to read for the auditor's comments.

Mr. Ebel said his agency is known for their food service to the elderly. The population aged 85 and

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older is growing faster than any other group. They usually get the home-delivered meals, rather than participate in the congregate dining. He received only \$25,000 from the Federal government for home meals. They need to look more closely at this service; they now do 400 meals per day and they are facing a 12% cut in funding: \$12,000 in meals and \$16,000 in other programs.

Mr. Ebel said a different food service contractor had started on July 19. He said the meal site business went up after they had started. He was hopeful they would be able to overcome the problem of poor quality. The Federal government mandated that food services program be contracted to a service provider whenever possible. They had been out of compliance for 16 years and this was their first successful Request for Proposals.

Mr. Ebel said it would cost his agency \$85,000 more to continue cooking and serving meals at each individual site, as opposed to centralized preparation. He was hopeful that this new provider and the centralized preparation site would allow them to add back several meal sites that had been closed for lack of funding. He said hot meals would be provided to individuals three days per week, with frozen meals on the remaining days.

Commissioner Josi asked why there was going to be a cut in the Older Americans Act. Mr. Ebel said the Balanced Budget Act of 1997 required spending cuts on all discretionary program. Congress was looking at 12% cuts in order to increase military funding, and they would have to vote to increase the spending cap.

Commissioner Firman said they had been working with Congress on this. She suggested the Board write a letter and get the Association of Oregon Counties involved. She said there was concern all over the State.

Chair Cameron asked Mr. Ebel to draft a letter for the Board to sign. Mr. Ebel said he could do that.

Chair Cameron urged him to be very active when AOC began working on this issue. She said the Futures Council would be meeting later that day and invited Mr. Ebel to attend.

Mr. Ebel said he would prepare an assessment for the Area Plan. They had sent out an 8-page survey and received 650 responses; they would also be doing key interviews. The ages of the respondents ranged from 22 years old to 103, with 15% under age 40 and 15% over age 85. He said transportation was becoming the big issue of concern and needed to be resolved. They would be working with both counties to make sure the clients' needs were served.

Commissioner Josi asked about the buses. Mr. Ebel explained the terms of the grant and their plans for their future. He explained more of what they wanted to do with the buses and in working with the transportation system.

Mr. Ebel said housing was the next big issue. Twenty-six units would be built beginning in the fall, and he explained what the plans were. Isolation was a concern with the elderly. 25% of seniors suffer from clinical depression. They were going for a \$40,000 grant from the Northwest Health Foundation to start a peer counseling program. They had applied for a 3-year grant from the Federal government to expand the program, which would bring it up to \$250,000. They would be publishing

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a 60-page resource guide to assist people in finding services.

Mr. Ebel said elder abuse was another area of concern, with 200 cases substantiated in the two-county area. There was a multi-disciplined team here in the County to handle this and make sure the abusers were prosecuted.

Commissioner Josi said he was pleased with their efforts. Commissioner Cameron said Ms. Trueblood would be the alternate and would attend the NCSS meetings when Commissioner Firman was unavailable.

ITEM NO. 3: DISCUSSION CONCERNING POSSIBLE REPLACEMENT FOR FOREST DEPUTY: Chair Firman said there had been a request from the Oregon Department of Forestry for Deputy Hill to replace Deputy Igo, if the latter goes to Kosovo. The Commissioners did not want to see Deputy Hill removed from the Code Enforcement position, as they felt he did a good job.

Sheriff Dye said Deputy Igo had to make a difficult personal decision, as he could be overseas for 6 to 12 months. It could be several months yet before he would leave the country. There was time yet to discuss a replacement. Sheriff Dye said he would not change the code enforcement position without involving the Board.

Chair Cameron asked if he would be hiring additional deputies. Sheriff Dye said yes. She asked for an update on the Trask River Road patrol. He said 200 tickets had been written, County-wide, over the 4th of July. All patrols had been instructed to stop on that road now to reinforce a police presence.

ITEM NO. 4: CONSIDERATION OF ORDER APPOINTING MEMBERS TO THE WORK FORCE ADVISORY COMMITTEE: Chair Cameron said this was the next step in the Work Force plan. The group of appointees was the beginning in the process for implementation of the Work Force Investment Act.

Commissioner Firman moved to sign the order, Commissioner Josi seconded.

Chair Cameron said the appointees reflected a diverse group of providers and business people. She would like to see them come back to the Board with a recommendation of structure; plan for the youth council representative; and the one-stop counter.

Ms. Minisce said she would like to meet with the Board first and discuss the basics. She was working on the Web to put on a "one-stop" page. She listed the different agencies that would be participating. People could get on line and get their questions answered. There were four computers open for the public to access the Internet and set up e-mail addresses. She discussed their Youth Plan Work and the Timber 14 grant. She thanked the Board for their support.

Motion passed with three aye votes.

The Board signed Order #99-96 later in the day.

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ITEM NO. 5: UPDATE ON U.S. ARMY CORPS OF ENGINEERS FEASIBILITY STUDY;

Chair Cameron said Mr. Felley would be on the agenda the following staff meeting, as there was nothing more to report at this time.

ITEM NO. 6: ROAD ADVISORY COMMITTEE UPDATE & EDUCATIONAL OPPORTUNITIES AT COUNTY FAIR:

Mr. Oshel said the Road Advisory Committee had met the previous Monday and reviewed the partnering trip to Jackson County.

Mr. Oshel said the Road Advisory Committee members recommendation was to forego recycling in the booth and concentrate on roads and the financial crises this year. He reviewed what they had been doing on recycling.

Commissioner Josi said it was imperative to make it clear this was a temporary shift in focus. Commissioner Firman said she was uncomfortable with ignoring recycling altogether. Mr. Oshel discussed ways they could cover both subjects in the booth. He was looking for sources for making big pictures for display in the booth. The Board proffered some suggestions for setting up the booth.

ITEM NO. 7: MISCELLANEOUS PUBLIC WORKS: This matter was deferred until after the public hearing.

ITEM NO. 8: MISCELLANEOUS SOLID WASTE SERVICE DISTRICT MATTERS: This matter was deferred until after the public hearing.

ITEM NO. 9: NON-AGENDA ITEMS & BOARD CONCERNS: This matter was deferred until after the public hearing.

ITEM NO. 10: PUBLIC HEARING: ORDINANCE AMENDMENT OA-99-03: PERIODIC REVIEW WORK TASK; PACIFIC CITY/WOODS COMMUNITY PLAN: TO AMEND THE TILLAMOOK COUNTY LAND USE ORDINANCE NO. 33 AND COMPREHENSIVE PLAN ORDINANCE NO. 32 TO COMPLY WITH OREGON ADMINISTRATIVE RULE, CHAPTER 660, DIVISION 22, UNINCORPORATED COMMUNITIES RULE FOR THE COMMUNITY OF PACIFIC CITY/WOODS; AND DECLARING AN EMERGENCY. THE AMENDMENT INCLUDES COMPREHENSIVE PLAN POLICIES; ZONING MAP REVISION, AND ORDINANCE LANGUAGE REVISIONS AND ADDITIONS. THE PACIFIC CITY/WOODS TRANSPORTATION PLAN AND AN EXCEPTION TO GOAL 4 ARE INCLUDED IN THIS PROCESS. THE ORDINANCE AMENDMENTS AFFECT PROPERTY INSIDE THE PROPOSED COMMUNITY GROWTH BOUNDARY OF PACIFIC CITY/WOODS: Chair Cameron opened the public hearing. She asked Mr. Plummer to begin.

Mr. Plummer explained the history of the plan. It began in 1995 with 100 citizens participating in the preliminary meeting. Surveys had been done, and the plan had been written almost entirely by volunteers. He said Mr. Lewis of Tri-land did a good job of incorporating all the information into the transportation plan. Mr. Plummer reviewed what was included. He said there was enough

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vacant land within the Community Growth Boundary (CGB) for ten years. The Joint Water & Sanitary Authority and the 33-acre County Park would be brought into the boundary; a goal exception was done for these.

Mr. Plummer said two new zones had been created: a park zone and an air park zone. The latter was created to take care of specific issues related to the airport. He discussed the issues still outstanding: height restrictions in Pacific City Heights and parking issues. He said the Planning Commission unanimously recommended the adoption of the plan by the Board of Commissioners.

Mr. Plummer asked Mr. Lewis to discuss the transportation plan. Mr. Lewis said the purpose of this part was to identify transportation needs over the next twenty years. The planning process involved significant public involvement through an advisory committee of 15 to 20 people.

Mr. Lewis discussed the bicycle and pedestrian system of trails, which were not just for exercise but to reach specific destinations. They were also along major collector roads. There were five different facilities for off-road use. There was a special bridge and pathway along the west side of the Nestucca River. There were two problem intersections, which needed to be dealt with. Street design and improving the beach access and parking would also need work. He said the entire community wanted to maintain dory boat beach access, as well as safe pedestrian beach access. He said they were recommending further study on vehicle beach access.

Mr. Lewis said the community would like to encourage traffic speed enforcement, especially traffic coming into the community, as well as maintenance and improvement of the streets. They also wanted to see improved sight distance along the roads; preservation of public access to amenities; improvement of public transit and a possible community shuttle; airport maintenance and preservation; tsunami plan; special amenities on the bicycle/pedestrian path; adequate and safe transportation access to the major road. There was also a recommendation for a storm drain master plan, taking into account the impact of storm drainage on roads. The community also wanted to encourage underground utilities on future development.

Commissioner Firman said she had read many plans and was consistently amazed and pleased by the degree of citizen involvement. She complimented the citizens and the County staff on their good work.

Chair Cameron asked Mr. Plummer for comments. He said Ms. Rissel had spearheaded the community effort. She did an incredible job and volunteered many hours of work to the plan. Mr. Plummer felt she was the best person to speak about the process. Ms. Rissel said she was very pleased with the plan. She said many second-home owners were included as they make up about 60% of the home owners in the area. She explained some of the process they went through to include as many people as possible and to preserve the history of the area. She felt the bike plan was great and would be more than most communities have.

Chair Cameron asked her how she felt about the next steps. Ms. Rissel said they had actually formed a committee to work on the future needs of the community. Up to now, there had not been a way to communicate with the community. Things were happening in the town which would enhance

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communications with the residents and the County. She explained how the committee was elected and set up. She liked the idea of people being invited to attend the committee first before beginning their new building projects. Chair Cameron thanked her on behalf of the Board.

Vince Howard said he was from Arizona and had built a house in Pacific City Heights. He felt they had not been informed of what was going on in the community and would like to see information sent out through other means, such as the PUD bills. He was concerned about height restrictions.

Mr. Plummer said the overall height allowed was 35 feet, except for ocean front. Changing the requirement had been discussed but there was not enough consensus to do so. Some people in the Heights opposed the change, but others wanted an ordinance amendment in the future if an agreement on height could be reached.

Mr. Plummer said a covenant in the deeds to many of the properties in the Heights restricted the buildings to 1 ½ stories. The County was not a party to that and had no enforcement powers.

Mr. Howard said ten years previously, he had been told that it was a County ordinance that limited the height of buildings. He objected to not being notified of the community planning meetings.

Commissioner Firman asked for a clarification of the height restrictions. Mr. Howard said he wanted to see the restrictions maintained at 1 ½ stories, and felt the 35 feet was not 1 ½ stories. Mr. Plummer said the 1 ½ stories was not defined in the covenants and deed restrictions.

Mr. Affolter said this needed to be clear. The County would not have written it that way, as it was too vague. He said if his department was aware of covenants and deed restrictions (CC&Rs), they would inform people when building permits were applied for. However, the County has no role in enforcing CC&Rs. The County's restriction had always been 35 feet. He said this could be considered further, but he did not want to hold up the process of the community plan.

Donna LeVigne, 11008 NE 120th, Vancouver, Washington, felt there had been a lot of confusion. She said 35 feet is the County's height restriction, but the purchaser of property has a CC&R of 1 ½ stories. Blocks 1-6 have the CC&R requirement, but Block #7 did not.

Robert Martin, 7350 Summit, Pacific City, said his builder informed them of the CC&R, and he would like County to be supportive of them. He would like to see everyone comply in order to preserve the view. He would encourage the Board to be supportive of the original intent and recognize the restrictions. The 24 foot seemed to be appropriate. This would allow maximizing the views for everyone.

Elaine Loden said someone went to an attorney and got the 24 foot definition after they built a garage for their boat.

George Kirkham displayed a map of the Heights and indicated where the various properties were located. He said that Neah-Kah-Nie had their restrictions built into their zoning. He said they would like to have something similar built into their zoning for the Heights. He expressed concern over

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people building higher and higher to keep their view. He felt ten to one of the residents were in favor of lower height restrictions of 17 feet for downhill and 24 feet east of there.

Elma Henderson, P. O. Box 147, 35580 Lower Loop, Pacific City, asked how the County would arrive at 35 feet for a view property. Mr. Affolter said that height had been put in place in the 1970s when the planning process first began. The CC&Rs were already in place and being enforced in Neah-Kah-Nie at that time. It was hard to go into a community and after significant development had occurred and then put on increased restrictions. His department would like the people to work with their neighbors and come up with a consensus. They cannot enforce CC&Rs; all they could do was inform the public. He did not know how or why the 35 foot limit was established.

Ms. Henderson felt it was illogical to allow 35 feet. She thought it might be all right on view property, but not on the beach where views would be blocked.

Mary Jean Watkins, Upper Loop, Pacific City, said they had built their house in the 1970s and made sure it was only 24 feet high. They had been inspected by everyone and had the place measured. They had done everything they could to make sure the house did not go beyond 24 feet. They were concerned about the possibility of someone building to 35 feet in front of them and blocking their view.

Jeremy Thompson, P. O. Box 681, Pacific City, 7th Addition, echoed Mr. Martin's concerns. He had bought his property for the view. He had been given the CC&R when he was in escrow. He would like to reestablish them where they had lapsed; otherwise, Pacific City would lose its charm. He would urge the Board to do what they could to limit the height of houses in the Heights to 24 feet on certain lots. There were some lots where the 35 feet would be appropriate.

Commissioner Josi said he empathized with their concerns and felt they should be dealt with. However, he did not want to let this issue derail the plan. He would like to see the plan approved and instruct the staff to work on the height restriction problem.

Mr. Thompson said he supported the plan and urged the Board to act on it.

Mr. Martin said he was concerned that a delay would mean more exceptions and more 35 foot houses would be built. He felt a consensus had already been reached.

Pete Back, P. O. Box 523, 35530 Salal, Pacific City, said he was aware of the CC&Rs. He felt the 35 foot height should be stricken from the laws and the 24 foot limitation created. That was a high wind area. He would not build to 35 feet.

Barbara Breunig, P. O. Box 712, Pacific City, encouraged the Board to consider the 24 foot restriction. There were vacant lots below her; if a 35 foot building was constructed there, it would ruin her view and two of her neighbors. There were a few houses of 35 feet but they had not obstructed anyone's view. People who do that tended to be sellers and not residents. She was a member of the advisory committee and informed the Board that there was no funding to communicate with everyone. She would like the Board to consider some funding for them.

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Chair Cameron said that clearly needed to be considered by the County was not in the position to do that at the current time.

Mr. Thompson wanted to be assured that "no driving between signs" law on the beach be strictly enforced. Mr. Plummer said the advisory committee would take up that issue. Mr. Thompson wanted to see jet skis included in the restrictions as well.

Chair Cameron closed the hearing to public comment and asked for staff comments.

Mr. Affolter said the Planning Commission chose not to act on the height restrictions but recommended the community propose an ordinance amendment. He would not want to see any changes made without notifying everyone. He felt they had noticed everyone to the best of their ability. Producing the plan for Pacific City was a four-year process; he appreciated the hard work and dedication of community involvement.

Mr. Affolter felt the transportation planning brought a lot to the plan. He congratulated and thanked Mr. Lewis and Mr. Oshel and Nancy Reynolds from ODOT. He said Mr. Plummer was the third planner who had worked on this.

Commissioner Josi felt there should be closure on this plan and that the height concerns should not stop it. He asked Mr. Affolter to start working with the Committee on this issue. Mr. Affolter said he would like the community to bring a proposal to the staff, which they thought was appropriate. Then public hearings could be scheduled.

Chair Cameron reiterated and clarified what the Board would like to see done. The areas where any restriction would apply needed to be defined and the exact height specified.

Commissioner Firman asked why the Planning Commission did not address this. Mr. Affolter explained why. He said there were some people who were opposed to the restrictions, but they had chosen not to attend the hearing.

Commissioner Firman asked Ms. Rissel for her input. Ms. Rissel said she lived in the Heights but saw her role as a facilitator; she had tried to stay neutral. The issue of the height restrictions came up at the end of the planning process and not at the major hearings. It seemed to her this would be a very complicated issue.

Commissioner Firman asked if the 35 foot stayed in force whether or not plan was passed. Mr. Affolter said yes, it would.

Ms. Rissel said it was important to start the next phase immediately, as building permits were being issued all the time.

Commissioner Firman asked if the Board could put a moratorium on building above 24 feet until the issue was settled. Mr. Affolter said the only thing the Board could do immediately was to alter the plan to include the 24 foot height restriction.

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Commissioner Firman said she did not hear from both sides at this meeting. Mr. Plummer said this issue was discussed at several meetings and the Steering Committee chose to keep the 35 foot height limit. The majority of the people from the Heights seemed to be in favor of greater restrictions. However, there were property owners that opposed any change. He thought the people who opposed it did not come to this hearing because the height was not being changed in this plan today.

Mr. Affolter said it would have been impossible to bring a plan before the Board that was 100% supported by everyone and with all the issues resolved. They would have to notice everyone in the Heights. He would like to see the advisory committee meet in September and review the plan and start the process of developing an ordinance amendment on building height.

Chair Cameron asked Ms. Rissel if she believed the community could come to a consensus on this issue. Ms. Rissel said she felt the plan could be approved today and the committee could get up and running. She thought they might be able to have a proposal before the Board within six months.

Commissioner Firman asked what would happen if the Board approved the plan with the exception of the height. Mr. Plummer said that would remove any restriction whatsoever in the area.

Mr. Affolter outlined what could be done and a tentative schedule, ending in December, 1999.

Commissioner Josi asked for clarification of what would happen if the plan was adopted or not. Mr. Affolter said the time line would be the same whether the plan was adopted today or not.

Chair Cameron said the process would be slowed down to allow for public input on any proposed height restrictions. Chair Firman said the Board wanted the Community Development staff to go ahead and work with the community on this matter.

Commissioner Josi moved to approve OA-99-03, the Pacific City plan, Commissioner Firman seconded.

Commissioner Firman amended the motion that Pacific City Heights building height restrictions process begin as well, Commissioner Josi approved the amendment to his motion.

Chair Cameron said she appreciated that the audience came to the hearing and gave the Board a good glimpse of their thinking. The Board had set in place a process for this issue to be addressed, and she asked the public to get started.

Motion passed with three aye votes.

Chair Cameron recessed the meeting at 11:49 a.m. and reconvened at 11:50 p.m.

ITEM NO. 7: MISCELANEOUS PUBLIC WORKS: Mr. Oshel discussed the recent bill regarding a possible vehicle registration fee, with money coming to the County. An emergency fund for roads had been set up. He discussed allocations of that fund, which could bring \$200,000 to the County. The new funding source the Board could develop was a \$10 vehicle registration fee for cars. This could be done by Board resolution and the Board would determine where the money was

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allocated between ODOT and the cities.

Commissioner Firman asked if the meeting could be recessed until afternoon, as everyone had appointments shortly.

Chair Cameron recessed the meeting at 12:00 noon and reconvened at 3:35 p.m.

ITEM NO. 7: MISCELANEOUS PUBLIC WORKS (Continued): Mr. Oshel reviewed the usual distribution percentages, but said the Board could distribute the money in anyway they felt appropriate.

Commissioner Josi asked if there as an expectation from ODOT to receive a certain amount. He said Item #5 was good and gave them an average. However, she said they needed to flesh out #6. He wanted to try to close the gap on what they needed so they could reduce the amount they would amount they would need from a property tax.

Mr. Oshel said work had started again in earnest on the Tierra del Mar slide repair. He said the presentation to the City of Wheeler on the proposed road property tax went well. They would be getting back to him by August 18 with their decision. Mr. Oshel felt it was valuable to have him in on the discussion about the tax rate.

Commissioner Josi wanted to discuss this further at a workshop. Chair Cameron suggested Staff meeting on Monday August 9 and that Mr. Oshel could be the first on the agenda. August 23 would be final Board meeting on this matter.

ITEM NO. 8: MISCELLANEOUS SOLID WASTE SERVICE DISTRICT: There was no discussion.

ITEM NO. 9: NON-AGENDA ITEMS & BOARD CONCERNS:: Chair Cameron said Ms. Richards had found the money in the contracted services line for video taping a few meetings. Chair Cameron would like the Board to consider taping two meetings per month, one in the Courthouse and the one meeting away.

Chair Cameron discussed the meeting with H.U.D. She suggested the invitations would come from the Board but HUD would facilitate the meeting. She suggested having a brown bag lunch and using both conference rooms. A letter inviting people to attend the fiber optic workshop needed to be drafted, as well.

Chair Cameron adjourned the meeting at 3:55 p.m.

RESPECTFULLY submitted this ____ day of _____, 199__ .

County Clerk: Josephine Veltri

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Mary Wujcik, Recording Secretary
& Special Deputy

APPROVED BY:

Chairperson

Vice Chairperson

Commissioner