



MARION COUNTY BOARD OF COMMISSIONERS  
**Management Update Summary Minutes**

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**Monday, November 21, 2016, 9:00 a.m. – 11:00 a.m.**

Courthouse Square, 555 Court St. NE, Salem  
5th Floor, Suite 5232, Silverton Conference Room

ATTENDANCE

Commissioner Kevin Cameron, Commissioner Sam Brentano, Commissioner Janet Carlson, John Lattimer, Jan Fritz, Alan Haley, Joe Fennimore, Faye Fagel, Scott Norris, Gloria Roy, Tom Rohlfing, Kay Brandon, Noah Olsen, Lisa Trauernicht, Jolene Kelley and Kenna West as recorder.

COMMUNICATIONS

**Update**

- Public Information Officer provided an update on communication outreach;
- Discussion of video of Commissioner Cameron for the holidays; and
- Future videos planned.

INFORMATIONAL

**Marijuana Regulation Update**

*Summary of Presentation:*

- Medical marijuana passed and recreational failed:
  - Incorporate recommended changes;
  - Neither OLCC or OHA are performing background checks but Marion County will complete background checks;
  - Growing in farm zone is farm use and there are restrictions noted for where and when, including indoor only and lights turned off between 7:00 p.m. and 7:00 a.m.;
  - Amend the Opt-Out Ordinance to remove the prohibitions against medical marijuana, processing sites and medical marijuana dispensaries following the election results;
  - Planning Commission recommended that the required distance between businesses not be applied; and
  - Public hearing scheduled for November 30, 2016:
    - Zone code amendments; and
    - Present the ordinance at Board Session for formal action by emergency and effective immediately.

*Board Discussion:*

- The effect on the county depends on the statutes and regulations following the change;
- The State of Washington will combine the two systems; and
- Code Enforcement will oversee violations.

**Raccoon Rock Products Quarry Update**

*Verbatim Minutes attached.*

## **Discuss Franchise Agreement with Comcast, Charter and Wave Cable**

### *Summary of Presentation:*

- Comcast needs time to finish the franchise agreement;
- It is expected to be completed in March or April;
- We are down to the final wording and it will continue to the cable regulatory commission for approval; and
- The final agreement will return to the Board.

## **Discuss Senate Bill 1513 Tax Exemption**

### *Summary of Presentation:*

- Senate Bill 1513 authorizes counties to provide for a property tax exemption for the surviving spouse of certain public safety officers;
- The bill allows counties to exempt from ad valorem property taxes up to \$250,000 of assessed value of each homestead owned and occupied by the surviving spouse of a fire service professional, police officer or reserve officer killed in the line of duty;
- This topic had been before the board at a previous July Management Update;
- The Public Safety Coordinating Council approved support for the exemption in September;
- Counties that have enacted resolutions include Baker, Clackamas, Clatsop, Columbia, Crook, Josephine, Lincoln, Malheur, Morrow, Multnomah, Washington, and Yamhill; and
- Counties that have enacted ordinances include Lane and Jackson.

### *Board Discussion:*

- Decide ordinance or resolution and the amount:
  - Ordinance must be referred to voters; and
  - Using the ordinance process would be a way to make the people aware.
- Most counties have used the resolution process;
- The ordinance process would delay another year to utilize the tax exemption:
  - Tax year starts July 1 with the application time frame; and
  - There is filing ability in the statute.

### *Board Direction:*

- Proceed with the resolution.

## **Request to Name the New Juvenile Courtroom**

### *Summary of Presentation and Discussion:*

- The request for pictures in courtroom is no longer an interest;
- Name courtroom at the completion of the new construction in county buildings:
  - Presiding Judge and court administrator request Al Norblad:
    - Al Norblad changed the nature of the court with the alternative programs;
    - Metal name plate to commemorate; and
    - Abernathy suggested by Commissioner Brentano.
  - Faye clarified that this was not her request; and
  - The building has been dedicated to Wally Carson.
- Need more time for discussion and contemplation.

## **Discuss Letter received from the Oregon Department of State Lands**

### *Summary of Presentation and discussion:*

- Public input being sought by December 12<sup>th</sup>;
- Will need to approve conditional use for the removal of minerals; and
- State owned land is available for purchase by private parties.

### *Board Discussion:*

- Contact Department of State Lands to discover the mineral;
- John will put a letter together; and
- Commissioner Brentano will sign.

## COMMISSIONERS' COMMITTEE ASSIGNMENTS and UPDATE

- Commissioner Brentano:
  - Attended AOC and responded that FEMA has not done much;
  - Need to watch and fight the direction of FEMA buy out; and
  - Changed maps, flood insurance and restructure.
- Commissioner Carlson:
  - Attended the AOC Business meeting where one resolution was approved by the board to support federal legislation to correct the misapplication of the Peaceful Wagon Road;
  - Was appointed to the NACo Board;
  - Discussed public meeting rules:
    - 192.660(2)(b) Executive Session to consider dismissal or discipline of or complaints against an officer, employee, staff or agent;
    - Individual has a right to request an open meeting and clear his/her name;
    - There is opportunity to go back and correct by having a name clearing hearing;
    - At the head of each session technically state that there will be a vote and integrate it into the vocal instruction prior to meeting. There can be no place to challenge; and
    - No opinions voiced, only facts.
  - Don't use personal emails or text messages on work device as they could become subject to a records request; and
  - Phone calls are not public record.
- Commissioner Cameron:
  - Attended the Army Corp State Water Resource presentation.

## OTHER

- Alan Haley reported that there is a complaint from a Wave customer requesting to have a hearing because they have not been allowed service; and
- The service is in place and there are no grounds for the hearing.

**Adjourned** – 10:45 a.m.

Completed by: Gordean Ash

Reviewed by: Kenna West



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**Verbatim Transcription – Raccoon Rock**

INFORMATIONAL

**Raccoon Rock Products Quarry Update** (Tape time – 15:59)

**Alan:** The packet in front of you is basically all the documentation of all of the stuff that has gone out. The new piece is apparently the time line. That is page two. The timeline appears to be accurate. In 2011 they had a five year window through August of 2016 by contract to complete the road improvements that were part of the conditions of the land use. It was a single set of conditions in the land use that was converted into a five year contract to have it completed over a five year window. They had other conditions that were actually part of the land use case that involved some improvements at the entrance to their site that were completed. The only ones that were not completed were the actual road conditions.

**Commissioner Carlson:** What were the conditions? Joe, do you know what the conditions were?

**Joe:** I do not off the top of my head.

**Commissioner Carlson:** I know one of them was noise.

**Alan:** The physical conditions I was talking about were the improvements right outside of the plant. They had a certain number of hours of operation on the weekend.

**Joe:** At the back of the packet, the last four or five pages (Exhibit B), are the conditions of approval.

**Commissioner Carlson:** Ok, so they had pages of things they had to do. Have we had complaints about their hours and their blasting, etc.?

**Joe:** Not that I'm aware of.

**Alan:** Not that I'm aware of either; I haven't heard of any.

**Commissioner Carlson:** Commissioner Brentano, have you heard anything?

**Commissioner Brentano:** Yes, I had, on blasting.

**Alan:** We had no complaints outside their conditions and there may have been a complaint without someone knowing what those conditions were. But I haven't sent anybody up there for investigating anything on a weekend.

**Commissioner Carlson:** Their hours are 6:00 am to 7:00 pm?

**Alan:** They are fairly liberal.

**Commissioner Carlson:** Extraction and transportation – 6:00 am – 6:00 pm; Saturdays between 6:00 am – 6:00 pm for transportation. Blasting – 9:30 am – 4:30 pm Monday through Friday. Dust mitigation. So, do we know if they've done all of these things or not?

**Joe:** I believe they have. They are conditions of operating. They are in our zone code.

**Commissioner Carlson:** Yes, but has someone checked to see if they have complied?

**Joe:** I don't know that someone had gone up there and checked each thing individually though.

**Alan:** The improvements to the front of the site for dust control were completed. If it was meant to go beyond that, for actually heading into the pit, there is no dust control heading into the pit.

**Commissioner Carlson:** Are they doing seismic monitoring?

**Alan:** I believe that is part of their \_\_\_\_\_ permit and they have met all conditions of their \_\_\_\_\_ permit. On an annual basis.

**Commissioner Cameron:** So, number one, they have their permit for their driveway?

**Alan:** Yes.

**Commissioner Cameron:** So, the permit for the driveway, they only have one access road. We drove by there, I think

**Alan:** There appears to be a second access road to me. I hadn't read that before.

**Commissioner Cameron:** (reading) Only one point of access to Coon Hollow to serve mining site will be allowed.

**Alan:** Then that is a violation because they have two access points to Coon Hollow. You are ahead of me---where are you?

**Commissioner Cameron:** Exhibit B, it shows A, B, C, D, E, F, G.....I'm on G1.  
(Reading) Applicant will require and obtain access permits for all access to property.

Driveways: Must be only one access to Coon Hollow Road to serve the mining site will be allowed.

**Alan:** And, that secondary access actually serves part of the house so it might not be considered the mining site.

**Commissioner Cameron:** So when, we do one of these Alan, would we have a checklist that goes out and delineates that #1 has been done and someone from Public Works signs off on that?

**Alan:** There has not been. (To Joe) What would be your normal practice?

**Joe:** Our normal practice would be that when we require a permit and the driveway permit is issued that if they tell us it has been completed, then we mark the condition off in our file. Generally, with a permit there is a record of it anyway. We would not necessary do that on every single one of these, depending on how the condition is worded.

**Alan:** But LDEP (?) would give you some information on some of them and you would date that?

**Joe:** Correct.

**Commissioner Cameron:** In other words, if I'm a citizen and I'm challenging this, right, somewhere there is a permit in the file that they have access for this one property and someone has signed off on that, and someone has gone out and looked at the distance? Someone's name is on there saying this driveway is safe?

**Joe:** Correct. That would be part of the driveway permit itself.

**Commissioner Carlson:** I think what is different about this one is that there was such opposition from the people that were living there about it, and it was such a contentious land use hearing, and there was nothing that we could do to say that you can't do this because aggregate is permitted, so the compromise to make sure that the neighbors were heard was this lengthy list of conditions. Then I remember people saying, "how are you going to make sure that they follow these conditions---are we going to have to police it?" We had some discussion about that and I can't remember what the answer was, but I just don't feel like having to have someone scream and holler---because my guess is, if things are going well, they have probably given up because it has been so many years and they don't feel like there is any point in complaining anymore.

**Alan:** We get a steady flow of communication from out there. Both positive and negative---more negative than positive. No one has stopped communicating.

**Commissioner Carlson:** But, I thought you said just a few minutes ago you hadn't had any complaints?

**Alan:** Hadn't had any complaints about blasting.

**Commissioner Carlson:** Oh, alright. You just limited it to the blasting. I see. It would be nice for us to know what conditions you have checked off that have been met, which ones are still outstanding, what complaints you have had from the neighbors and when, so that we can monitor this issue and really understand what is going on out there. So, I can appreciate that they haven't done the road improvements, which are a big part of it, but that's not the only thing that I personally am concerned about. I'm concerned about them living up to the conditions that the Commissioners put on for the benefit of the neighbors. That's what I'm concerned about.

**Commissioner Cameron:** Thank you Commissioner. So, this is my mind and my process. I go to #2, Location. And this is the process I think you are looking for Commissioner. So, #2, it says, "it shall be paved with asphalt concrete of a minimum longitude distance of 50 feet as measured by the existing pavement." Has that been done and somebody signed off on it?

**Alan:** It has been done.

**Commissioner Cameron:** So, if there was another column by each one of these conditions that shows the date the condition was completed. A performance evaluation of this place; then we have a legal document that shows what has been done and what has not been completed. I'm not sure how these communications with legal have been going, but I would think these are the types of things we could use.

**Alan:** Can I bring that back to you in two weeks. I don't have the answer to all of these. I know most of them but not all of them. I would like to actually go through and do that check.

**Commissioner Cameron:** It may require that someone go out there physically and look at some of these things and measure it.

**Alan:** We have done some of those things, but I don't have the personal knowledge of each and every one of these.

**Commissioner Cameron:** That would be helpful to me. To just know that, for example, condition one through ten have been met, and twelve, thirteen, fourteen have not met.

**Alan:** Ok.

**Commissioner Carlson:** So, which condition is this timeline relating to out of all these five pages of conditions?

**Alan:** The timeline, as in the five year?

**Commissioner Carlson:** The timeline that you provided in the packet.

**Joe:** G8 isn't it?

**Commissioner Carlson:** Has number 4 been completed---improving the corner of Santiam Road and Coon Hollow Road for improved turning?

**Gloria:** As far as we know, many of the road improvements have been deferred under the five year agreement plan and those are the items that have not been complete.

**Commissioner Carlson:** So, it wouldn't just be 8, it would include 4 also, if they had to do an intersection improvement---is that right?

**Alan:** Yes, except that they did do a couple of these road improvements. They are very small and I would have to go check and see which ones they were. The major resurfacing pieces of the contract were not completed.

**Commissioner Brentano:** And that is my biggest point. I care about all the things you want to check and that will be fine to check off what they have done, but I think we concentrate on the work that was supposed to be done each year and wasn't done. So they are in violation. Then I note that the bond that they were supposed to pay if they didn't has now expired. I am not in favor of monkeying around anymore. You meet the requirements or you shut them down and I think it's "shut them down" time. Just on the road itself. Then when they get that done, we will talk.

**Alan:** That letter is set to go out this week. We went ahead and did a complete review of Triumph, \_\_\_\_\_, Coon Hollow, Fern Ridge, Center Street, to find out where they had, in fact, paid for any services. The only thing we had done services to be paid for--- we had only done services on Coon Hollow.

**Commissioner Cameron:** So, to your point Sam, do we have the documentation in the letter? It sounds like we are going after .4 and .8 to say, "you are done". Is that what I am hearing? Do we have the documentation that says under .4 you were supposed to do this and you haven't done it, under .8, you were supposed to do this and you haven't done it? Is that in the letter?

**Alan:** Yes, mostly .8. I have to check on .4

**Commissioner Carlson:** Do we have a copy of the letter in the packet?

**Alan:** No. The letter has not gone out yet.

**Commissioner Carlson:** So, let's just back up then to the timeline. So, they were supposed to be done in August?

**Alan:** They were supposed to have the five year plan completed by August 11, 2016.

**Commissioner Carlson:** And the reason we talked about it on May 23<sup>rd</sup>---is that when you got the complaint from someone?

**Commissioner Brentano:** I've been getting complaints all along and passed them along to Public Works.

**Alan:** The Board just asked for a general update on the Raccoon Rock contract.



**Commissioner Carlson:** It was probably triggered by something. I'm just trying to figure out what the trigger was?

**Alan:** I'm pretty sure it was Sam's complaints.

**Commissioner Carlson:** So you sent a letter to them on June 9<sup>th</sup> and they just ignored the letter?

**Alan:** Um, in essence, I'd say they ignored it. They came back into the office two weeks later for a copy of it because it had blown out of their car while they were up in Portland. That is the best I can give you. Their operational gentleman, John, was in the office to get a copy of that letter. They came again, the beginning of October, and got another copy of the packet.

**Commissioner Carlson:** So, have you ever met with them? Where is that?

**Alan:** Yes, we had a meeting with them...its not on there?

**Gloria:** This timeline was from Legal Counsel's files; it did not include contact that Public Works may have had because we weren't aware of a couple of times. Once when Alan met and their attorney showed up but they met anyway. We've asked them to route such conversations through us.

**Commissioner Cameron:** So, I got that voice mail from her daughter that went straight to you.

**Gloria:** I had Noah call and ask if she was representing her parents on this and she quickly backed out of that and said "no, they have an attorney."

**Commissioner Carlson:** So, if we are coming back in two weeks, can we beef up this timeline so it includes the contacts so we can see exactly what happened? I want to know when you met with them in this chronology?

**Alan:** I believe it was in July. I will have to add it to the chronology. I did not complete the chronology.

**Commissioner Carlson:** So, was it before or after the letter was sent?

**Alan:** It was after the letter was sent and after they came and got a copy of it because I had notified them again that, basically, they had ignored it and I needed to have some activity done.

**Commissioner Carlson:** What did they say when you met with them?

**Alan:** That they were railroaded and that they would put a plan together to get the road improvements done but quite frankly they were only at less than 1/10 of what these loads had been, of what had been predicted five years before and that the road damage, while they admitted would be at least partially theirs, was certainly not all attributable to the plant. They did an average of seven trips a day versus the much larger number.

**Commissioner Carlson:** What did they mean by railroaded?

**Commissioner Brentano:** And when? By us?

**Alan:** Yes, the idea of it was that the fee that was paid, then they had to re-up it. And I don't know all of this first hand, but apparently they went "time and materials" which instead of just paying the fee, which would have been twenty-some thousand, became \$40,000 because of their choice which was to go "time and materials". So anytime they came through and did something, Joe and group charged them for that time as part of the permit process. That is just what they told me. I don't have any facts on that. But, that was the discussion point. They were going to bring us back another plan to at least get Coon Hollow fixed for winter because there wasn't time enough, because we didn't approve their pavement plan. The pavement plan was based on the same conditions that existed in 2011 and, obviously, the road was different five years later. We decided that we needed a new plan put together based on the current pavement conditions. So, we devised a plan; they brought back a very brief engineered plan and we actually just sent our ops crew out and patched up Coon Hollow.

**Commissioner Carlson:** So, you patched it?

**Alan:** Patched it. To get it through the winter.

**Commissioner Carlson:** But that's not going to be sufficient for long term?

**Alan:** No.

**Commissioner Carlson:** So, say we shut them down, we've got a road that is terrible, so we have to figure out how to fix that and how much it costs and how we pay for it, right? If we don't shut them down, how do we "hold their feet to the fire"? That's the dilemma that I've got.

**Alan:** Holding their feet to the fire, according to their owner, is that they haven't made enough money off this place to even pave any part of a road. So, the next choice I was going to was to provide me an audit of their whole operation, but, I mean, if they don't have any money, you are right, they aren't going to do it.

**Commissioner Carlson:** And then, the letter of credit, that they have that expired. What would that have done if we had acted before it expired? Would that have paid for....how much was that worth?

**Alan:** It was \$350,000 or something in that neighborhood; \$350,000 - \$380,000. If it had been activated in 2012 and 2013 and 2014 and 2015 then we would have accomplished something. With \$350,000 we would have done more patch work up on Coon Hollow and Triumph and that's the best we would have got out of it.

**Gloria:** Wasn't there also a letter of credit for the emergency repairs? \$50,000 that we could have leveraged for our emergency repair costs against that letter?

**Alan:** But we are billing them for the emergency repairs that we did---about \$22,000?

**Commissioner Carlson:** So, how did we let these things expire without being done? I'm trying to understand that?

**Alan:** I don't know.

**Commissioner Carlson:** Is it Planning that is responsible for that, is it Engineering? I mean, I don't know where the buck stops here.

**Alan:** At least part of the buck stops in Engineering. Our Engineer sent them a letter in 2012 asking them to revise their plan and get paving going on it. That is the last thing that I could find that was sent out.

**Commissioner Carlson:** So, it just got dropped. Is Engineering aware that they need a better process?

**Alan:** They are.

**John Lattimer:** Do you want to explain to the Commissioners what kind of road this is?

**Alan:** Well, the essence of it is that is just a very low base old oil mat road, built and paved over years ago but it was a gravel road that was simply paved over. So, it has very little base to it, its structural sufficiency is low, so it needs more than just a simple overlay. Even in 2011, the thickness they were talking about which I believe was two 2" lifts would have provided a pretty good structure for what is there. The latest one we have is 3 2" lifts for a 6" road, but now you are getting to a point where you are building the road up, potentially too much from a drainage perspective. Ideally, at this point, it would be better to go in, rip it up, build a base and put a 2" overlay on it.

**Commissioner Cameron:** How many miles is that and what's the cost?

**Alan:** Total miles for the circle of roads is probably just under 3. So, that would run, probably about \$2 million.

**John Lattimer:** This is a road would have deteriorated whether they brought trucks over it or not?

**Alan:** Correct.

**Commissioner Cameron:** I don't know that that is the point of this.

**Alan:** The point is that we could have strengthened it right then.

**Commissioner Cameron:** Here is what I see as a person who wasn't here when you went through all of the hassles with the neighbors. We approved a set of conditions for a permit that the customer, or people, has not met. As a business owner I have to take risks all the time to make a decision on an investment I'm going to make. Some pay off, some don't. So when a guy says he hasn't made any money, and I'm thinking of construction, it's hard to get rock right now. You know that, Public Works knows that in the stuff we are doing. So, if someone is not making enough money off of a project that they signed a condition use permit for, I'm sorry---we can't subsidize that. So, I think

that we have to act on what our contract says. I don't like doing that, but to represent the tax payers or Marion County, we have to act on that.

**Alan:** And, they have legal options. And that could extend it to do something else.

**Commissioner Cameron:** If there is a condition that we could come back and say, give us another \$600,000 to improve these roads of \$2 million that we have to put in down the road, something, but as somebody who was here after this, I'm looking at this and thinking, "you are not meeting your obligation here." I'm sorry your restaurant didn't work out but you signed a contract.

**Alan:** In 2011, what they signed and how they signed it, I have no idea how that all worked, but from a pavement condition perspective, we would have been in there on those roads within a 2-3 year window as part of our resurfacing plan, so for all practical purposes, that went away and we put it on to them to do it.

**Commissioner Cameron:** But, they took an obligation and they haven't fulfilled their obligation. Have we met our obligations?

**Alan:** Have we met our obligations?

**Commissioner Cameron:** Have we failed to meet anything we said we would do?

**Alan:** Yes, we didn't follow up on the contract.

**Commissioner Carlson:** This is totally unacceptable. I mean you have got to have a better process for following up on conditions like this. I'm looking at Joe from Planning because I think it has to start in Planning. We can't just leave it to the engineers. It puts us in a tremendously difficult position when we are sitting on the dais and people are saying "what are you going to do to make sure they follow through----do we have to be the police?" and the answer is "yes, they do" and that is so unfair to people who live there that have to monitor something like this. That should not be their responsibility to do.

**Commissioner Cameron:** So, Alan, I really appreciate that we "got to yes", we figured out a way to get to yes to help a business get in there. You took flak for that. We helped someone get a business in there, but that business needs to honor their side of it too---to be able to say we are going to do it. I want thank whoever went through that process to get to yes, but now we have got to go back and tell them that they haven't fulfilled your obligation here. I don't where that goes from here, if it's a straight shut down, until they can post another bond?

**John Lattimer:** Well, that's what the letter does.

**Alan:** That's what the letter does---it shuts them down.

**Commissioner Carlson:** The other part that is really disappointing is that it took this long for us to get anywhere. So, that is where we have to have processes in place where we are on top of it. If it takes the Commissioners scheduling you guys to come back every three months to get a report from you, then fine, but we shouldn't have to be

monitoring this from the Boards' office and we should be able to trust that our staff is on top of these kinds of things. I don't understand why its 6 years later almost and we are having this discussion after everything is expired, and we are writing letters way after the fact. Why is that? Can anyone answer that?

**Commissioner Brentano:** No, but I'm going to second this, just for the record. I didn't want to have to approve this. It bothered me really badly, but there was no choice, we are compelled to do it. We set up a set of reasonable conditions and then, I'm sorry, but I've been nagging since the beginning---why isn't this being done, why isn't this being done----and five years goes by. I've never felt so inept at anything I've done here. They haven't met the conditions, it is way past time, and if we go any longer.....they need to just follow the conditions or not be in operation.

**Commissioner Cameron:** We don't have a copy of the letter today, correct?

**John Lattimer:** This is a public meeting and I didn't think that letter should be part of a public document.

**Commissioner Cameron:** As long as the letter says, that the permit was issued five years ago based on certain conditions which have not been met and unless those conditions are met within thirty days, or whatever, then they will have to cease and desist operations.

**Gloria:** Its cease and desist until you come into compliance at this point, is the proposed letter. There is another aspect of this that I am going to point out, and that is that the county is a customer of the rock from this quarry. We have continued to pull rock out of this all summer long and our contract, even though it is a requirements contract---meaning that they only produce what we order, extends through June of 2017 so that is a contract that the Board of Commissioners signed as a requirements contract. So you have a couple of options on the contract, whether you still want to be customer. We usually put in our contracts that you have to be in compliance with state, federal, local laws, so there is a basis for that or a specific order to the department not to order any more rock from this quarry until such time as they are in compliance.

**Commissioner Cameron:** So, Gloria is the contract with the quarry or is the contract with the company that owns the quarry?

**Gloria:** With the quarry.

**Commissioner Cameron:** Ok, so, if the quarry, if the quarry is not legally able to produce rock

**Gloria:** Well, then, if we shut them down; but I'm just saying that is an additional choice that the Board has---to choose not to be a customer. It makes it a little difficult for us because it makes it look like we have "unclean hands", why have you been delaying when we have been pulling rock from the quarry?

**Commissioner Cameron:** I'm here to say, there are other people who can supply rock. I know it's difficult, right, but there are other people who can supply rock. We may have to pay a little more to get what we need, but that is what we should do. Just what you

said, Gloria, I don't want to be a part of something that we are turning a blind eye to somebody that we've said they are supposed to do something to protect the citizens and now we are saying that we are going to turn a blind eye to that because we need the rock.

**Alan:** We don't need that rock.

**Gloria:** Well, we don't now, but we've been buying it and that wasn't what I heard this spring.

**Alan:** Well, it had already been ordered and they were already putting it there and I got approval to go ahead and still use them.

**Gloria:** So that's a question of do they want to say "don't order any more rock until this is resolved", because otherwise, they could still be placing the orders.

**Commissioner Cameron:** I don't know what it takes, but as of this meeting, when you go out of here, I think you need to find another supplier.

**Alan:** Our guys aren't ordering any more rock.

**Commissioner Carlson:** We need to terminate the contract. It just makes us look like we have a tremendous conflict of interest and I had heard that through the grapevine and I questioned the wisdom of entering into that in the first place.

**Commissioner Brentano:** Absolutely, and just because it is cheaper. Things are always cheaper if you don't meet all of the requirements of taking care of the overhead.

**Commissioner Carlson:** So, I think what we are going to hear from you is that you are coming back in two weeks with a revised timeline. This says that the hearing was held on December 16, 2009----can we start there on the timeline?

**Joe:** Okay, alright.

(Tape time – 50:50)