

Board of Commissioners Meeting
February 19, 2014

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner William D. Rosholt

Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

There were no public comments.

Grader Award/Early Lease Buyout

Doug Wright, Public Works Director, and Butch Lafarge, Western States Equipment, brought an early grader lease buyout of two graders to the Commissioners for consideration. They are all wheel drive graders so he would put them in the La Grande district and the Elgin district because of the hills and amount of snow those districts have. The current contract is in the 5th year of a 5 year lease. The current payment is about \$28,000 and the new lease payment would be about \$22,000. He is recommending that the buyout be approved as submitted by Western States Equipment.

Commissioner McClure asked if the current vehicles are two wheel drive and they are being traded for four wheel drive. Doug explained that is correct.

Commissioner McClure asked if these are conventional wheel or joystick steering. Butch explained that they are joystick which takes some time to get used to when first switching from one to the other but it doesn't usually take long and they prefer the joystick steering after they switch to it.

Commissioner Davidson moved approval of the Grader lease early buyout as recommended. Commissioner Rosholt seconded. Motion carried unanimously.

Consent Agenda

The January 30 and February 6 claims journals; and the February 5 Public Works claims journals; were approved as presented on the consent agenda.

Unanticipated Funds Court Order

Court Order 2014-15, In the Matter of Appropriating Unanticipated Funds, was presented for consideration. Shelley Burgess, Administrative Officer, explained that this Court Order would authorize the acceptance and expenditure of funds that come from the University of Oregon School of Law for the Community Dispute Resolution Program in the amount of \$15,000. Commissioner Rosholt

moved approval of Court Order 2014-15 as presented. Commissioner Davidson seconded. Motion carried unanimously.

Unanticipated Funds Court Order

Court Order 2014-14, In the Matter of Appropriating Unanticipated Funds, was presented for consideration. Shelley Burgess explained that these funds became available after the adoption of the Fiscal Year 13-14 budget from the Oregon Department of Transportation for transportation services for elderly and persons with disabilities. This Court Order would appropriate the funds in the amount of \$94,500. She explained that these are the funds that the Commissioners approved at the last Commission meeting to fund the Saturday transportation program through Community Connections of Northeast Oregon. **Commissioner Davidson moved approval of Court Order 2014-14 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

STF Additional Funding Recommendation

Shelley Burgess brought the STF Additional Funding Recommendation to the Commissioners for consideration. She explained that this is a recommendation from the STF Advisory Committee for additional funds that became available in the 2013-15 Biennium. These are funds for Seniors and persons with disabilities. The County was notified that there was an additional \$30,000 available to Union County for the Biennium. The STF Committee solicited and reviewed applications for those funds. They met and discussed those applications. Their recommendation is for FY 13-14 to award \$5,000 to CHD and \$10,000 to Community Connections with the same funding allocation for FY 14-15. **Commissioner Davidson moved approval of the funding recommendation as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Appointment to Union County Budget Committee

Court Order 2014-16, In the Matter of Appointment to the Union County Budget Committee, was presented for consideration. This Court Order would appoint Cedric Shanks to serve on the budget committee to replace Lanny Hildebrandt who has served the maximum number of terms. **Commissioner Rosholt moved approval of Court Order 2014-16 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Appointment to Wolf Depredation Advisory Committee

Court Order 2014-18, In the Matter of Reappointment to the Wolf Depredation Compensation Committee, was presented for consideration. Shelley Burgess explained that this Court Order would re-appoint Rob Beck to the Wolf Depredation Compensation Committee in the co-exister position. **Commissioner Davidson moved approval of Court Order 2014-18 as presented. Commissioner McClure seconded. Motion carried unanimously.**

Appointment to the Union County Hospital Facility Authority

Court Order 2014-17, In the Matter of Appointment to the Union County Hospital Facility Authority, was presented for consideration. Shelley Burgess explained that this Court Order would appoint Dale Basso, Burr Betts, Mark Davidson, Wyatt Baum and Lynn Harris to the Hospital Facility Authority Board. Commissioner Davidson moved approval of Court Order 2014-17 as presented. Commissioner Rosholt Seconded. Motion carried unanimously.

Elgin/Justice Court Intergovernmental Agreement

Shelley Burgess brought an Intergovernmental Agreement between the City of Elgin and the Union County Justice Court to the Commissioners for consideration. She explained that the City of Elgin currently operates a Municipal Court and they have a desire to discontinue that operation. This IGA will transfer those responsibilities to the Union County Justice Court. The City Council will meet later this week and they anticipate approving this Agreement. Effective next Monday February 24th all citations issued with the City of Elgin for statutory violations or County Ordinance violations will be made into Justice Court. The City will continue to operate the Municipal Court through the month of March to hear any citations that have been issued previously. Once the State's portion of the revenues are sent to them the rest of the revenues will be split 50/50 between the City of Elgin and the Justice Court. This Agreement allows for a 60 day termination notice otherwise it will be perpetual.

Commissioner Rosholt asked if it will be too much of a burden on the Justice Court. The Justice Court employees don't feel that it will greatly impact their operations.

Commissioner Davidson moved approval of the Intergovernmental Agreement between the City of Elgin and the Union County Justice Court as presented. Commissioner Rosholt seconded. Motion carried unanimously.

City of Union Law Enforcement Contract Renewal

Shelley Burgess brought an Intergovernmental Agreement for Law Enforcement Services between Union County and the City of Union to the Commissioners for consideration. She explained that this is a renewal contract for the law enforcement services that the Sheriff's department has been providing to the City of Union. It is a two year renewal.

Commissioner Davidson asked if the hours have been reduced. Shelley explained that they have been reduced. He also asked if the agreed upon amount that the City will pay covers the cost to the Sheriff's office. Shelley explained that she feels that it does cover the costs for the budget.

Commissioner Rosholt moved approval of the City of Union Law Enforcement contract renewal as presented. Commissioner Davidson seconded. Motion carried unanimously.

City of Union Animal Control Contract Renewal

Shelley Burgess brought an Intergovernmental Agreement between the City of Union and the Union County Sheriff's office to the Commissioners for consideration. She explained that this Agreement is for Animal Control Services. The City of Union also desires to contract with the County for Animal Control services and is a continuation of an existing program as well. The last two years the City has been contracting 10 hours a week of Animal Control Services and this new contract will be for 5 hours a week. This is a two year renewal. **Commissioner Davidson moved approval of the City of Union Animal Control contract renewal as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Livestock District Annexation – Public Hearing

Hanley Jenkins II, Planning Director, received a petition to request several properties be brought into Livestock District #1. There is a formal process set up in State Statute that the County is required to follow. Hanley explained there are two ways to do this. The first one is to create a new district and a new district would not have to be adjacent to an existing district but it would have to be 2,000 acres in size at a minimum to make the application. The applicants in this case have asked to be annexed into an existing district so the properties have to be contiguous to the existing district boundary. The procedures identify a process where the applicants submit a petition and if the petition is signed by 100% of the property owners requesting to be brought in then there is no election necessary in order to bring those properties into the District. The Commissioner's responsibility is to accept the petition and then adopt a Court Order that identifies when a hearing will be held. The Commissioners adopted that Court Order on January 8, 2014. The County is then required to give notice which was done.

The hearing today is scheduled for the Commissioners to evaluate the petition and the boundary proposed by the petition for the annexation. Hanley explained that this is unusual because it doesn't give the Commissioners the authority to say yes or no to the petition. It only gives the Commissioners the opportunity to set the boundary. If 100% of the land owners have requested and are contiguous then the Commissioners set the boundary for the land area to be taken in and it is automatically brought into the District. Hanley explained that the Commissioners have a map that identifies the properties that have been included in the petition. In one case there is a property that is not contiguous so the Commissioners will need to address that property. In another case there was a petitioner that signed the petition but that petitioner did not represent more than 50% of those two properties. The properties are tax lot 1000 and 1100 and

Hanley received a phone call from two of the other owners of those tax lots that are opposed to the portion of their properties that are proposed to be included into the annexation. Half of their property already is in the District the other half that is being petitioned to be brought in has the majority of the land owners are opposed.

Commissioner Rosholt asked what would happen if the boundaries do not include tax lot 1000 and 1100. Hanley explained that because there are not 100% of the property owners for those properties so if they were to be included it would necessitate an election.

Commissioner Davidson asked if the property that is not contiguous doesn't qualify for inclusion. Hanley stated that it does not qualify for inclusion at this point because it doesn't meet the criteria for an annexation. The criteria state that the property has to be contiguous.

Commissioner McClure opened the hearing for testimony.

Bob Morgan, 63445 Owsley Canyon, explained that the reason his property is not contiguous with the other property proposing to be annexed into the District is because the County owns the property between his property and the others. That land is Mt. Emily Recreation Area (MERA). He stated that the whole problem with all of this stems from Don Shaw's cattle whose property is contiguous with MERA property. The cattle go through MERA and go onto their property. If the County sets the boundaries and included the County property his would then be contiguous. Commissioner McClure pointed out that part of MERA is already in the District. He explained that the reason that he is seeking to be part of the District is because the cows come on his property and do a lot of damage. They have caused him about \$1500 worth of damage each year. The other reason is that there is a MERA parking lot above their house. There is a lot of very good intentioned people that go up there and use it. The cattle will be out on the road and their driveway gate will be closed so they cannot come in and these well intentioned people who know those cattle do not belong out on the road open their gate let the cattle in and shut the gate. When the cows come in they ruined all the shrubs and broke irrigation.

Art Chase, 64678 Cherrywood Road, stated that he has problems with cattle as well. When the cattle have come onto his property he was fortunate enough to be home and be able to herd the cattle into an area while he found the owners who came and picked them up. He has been fortunate to be home but his neighbors have not been so lucky. That is why he is wanting to be included in the District.

Martin Birnbaum, 64540 Cherrywood Road, explained that he was under the impression that if 60% of the land owners wanted to become part of the District it

would go through. He was not aware of the 100% rule. When they drew up the boundaries they included a couple of properties that they knew were not in favor of being in the District but they did that to make the boundary more regular. He is not clear what effect their objection has on the boundaries. His concern about leaving them out would be that other properties would then not be contiguous.

Allen Brogoitti, 62575 Starr Lane, explained that he owns property on Mt. Emily that borders the District. He has owned the property for 44 years and every year they have livestock on their place but not until the last year and the year before has there ever been an issue. Because he borders the District his neighbor has the right to ask for help from law enforcement to solve the problem when cattle are on his property but he does not. If his property was added to the District it would give him the ability to decide to have the cattle on the property or not. He called the livestock owner this year and asked him to remove the cattle from his property and the owner gave him no response. He doesn't have a problem with the cows he has a problem with someone who doesn't take care of their animals. He would appreciate the Commissioners approving the annexation so they would then be allowed to get assistance from law enforcement if they need it.

Dick Holecek, 82393 Stanley Lane, explained that it has been an annual event to have to remove cattle from his property. He doesn't always have the time or the energy to do that. He frequently has to hire someone to chase the animals through the timber off of the property. He would like to be able to call the Sheriff's office and be able to get help with the problem. The neighbor has land that he leases or allows Don Shaw's cows to graze. This is timber land so there is very little pasture there so after a few days the cows are looking for something to eat. They will go through the fence and tear it down to find food or water. Last Summer he ran them off of his land but where do you run them, either onto the County road or a neighbor's property.

Bob Morgan stated that the problems with the cattle are getting worse. He explained that he hasn't had any problems with most of the owners up there but there is one owner that is causing most of the problems which they can tell by the cow's ear tags.

Katie Martin, 63103 Haley Road, explained that she runs cattle on MERA. She understands what the people that have testified are saying. She thinks it is sad that they have to pay for someone's cattle. Cattle do get out. She doesn't have a problem with the District itself but she does have a problem with the liability that is associated with it. She has no problem getting her cattle in when they do get out but the gates do get open on MERA. The Elk also knock fences down. She spent thousands of dollars on fencing to get the fences in order. She is sympathetic to the land owners but is concerned about having to pay for someone else's cattle when her cattle does get out. She feels that she has gone

above and beyond as far as getting cattle in when they get out. She received a call for some cattle that had been out that she knew wasn't hers but she loaded them up and hauled them in so they could get off of the neighbors land. She has no problem with people having her number to call when cattle are on their property.

Matt Martin, 63103 Haley Road, explained that his concern is that cattle are going to get out. Each property owner has a gate that goes from private land to the MERA land and they cannot check those gates every day. He feels that everyone is paying the consequences from one person's actions. They have picked up cattle that were not theirs to keep the peace and keep everyone happy. He is not really opposing it but his concern is the liability he may now face when his cows do get out. They cannot fix a problem if they do not know that there is a problem. They try to respond as soon as they can. He doesn't know what the best solution is. He explained that if the neighbors have cattle on their property they can call the brand department and they can come out and identify the brand on the cattle to see who the owner is. If the owner doesn't do anything about the cattle they will then be confiscated and hauled to a facility. There are rules and other options other than law enforcement if there is a problem with cattle.

Allen Brogoitti, 62575 Starr Lane, explained that in the past there have only been a few cows on his place and they haven't been a big issue but it is like cows were turned onto their property this year. He has called the brand department and go through the process and was told they are on open range and there was nothing they could do.

Bill Howell, PO Box 151, Imbler, explained that he is here to get information and is representing Oregon Agriculture Foundation. He received a phone call from a representative of EOU to have him look into this and see if their property is included or not. He feels like they should be included if they are not. Hanley stated that their property is already within the District.

Commissioner McClure closed the hearing with no more testimony received.

Commissioner Davidson stated that the statutes are clear that the applicants have met the standard in all but two cases and the Commissioners have an obligation to approve this annexation. Tax lot 1000 and 1100 doesn't have 100% owner approval so those properties should be excluded. Mr. Morgan's request to add the MERA property is something that the County should consider but he is not prepared today to support taking that action without some consultation with the Advisory Committees, staff and the grazing lessee.

Commissioner Rosholt agrees with Commissioner Davidson and also thinks that the County should look at Mr. Morgan's situation sooner rather than later.

Hanley explained that ORS 607.020(5) identifies that any area may be annexed into an existing Livestock District and identifies criteria in which to do that. It says that partition of annexation should be signed by all of the owners of the land in the area proposed to be annexed would not need to go through an election. Mr. Birnbaum is correct that 66% can agree in order to submit a petition but if there is not 100% it has to go to an election.

Commissioner Davidson stated that he understands what Hanley is explaining and his personal perspective is that he is not comfortable expanding the area to be annexed and taking in properties that haven't signed up and forcing it through an election. He respects the applicants request and their right to be annexed.

Hanley stated that he understands Mr. Morgan's situation and problems but the County did not give notice for the portion of the MERA property that is outside of the District. If the Commissioners choose to pursue that than they would have to follow the same process that was followed for this hearing.

Commissioner Davidson moved to set the boundary of the Livestock District #1 annexation to take in the properties as described with the exception of the Webster property tax lot 1000 and tax lot 1100 as well as the Morgan property. Commissioner Rosholt seconded. Motion carried unanimously.

Commissioner McClure explained that the County needs to look at the fence on the MERA property and make sure it is up to standard to try and be good neighbors. There are a lot of people that live on the face of the mountain. He would hope that the MERA Advisory Committees would start having those discussions on how the County can improve the situation as well.

Commissioner Davidson stated that he feels that they should recognize based on the testimony that the MERA grazing lessee is doing a good job in controlling his cattle. The County appreciates that they are not the crux of this problem.

Circuit Court Facility Update

Shelley Burgess explained that she is going to give a brief history on how the County has got to where they are today because she is not sure if everyone is aware of the process that has been involved with the Court Facility. In 2008 the Union County Circuit Court facilities were ranked as the worst in the State. They were ranked number 48 out of 48 court facilities in a study commissioned by the State. After that in August of 2008 Chief Justice Paul DeMunoz came to visit Union County and requested that the County address the problem. As a result of

that request and a conversation with the Chief Justice the County formed the Court Facility Task Force. That Task Force was charged with the responsibilities of reviewing space needs, potential locations, costs and funding opportunities. The Task Force was co-chaired by Judge Russ West and retired Judge Warner Wasley. Commissioner Nellie Hibbert was the Commission representative on the Task Force. There were subcommittees formed that looked at location, space needs and financing. As part of the work of that committee mostly through Judge West's efforts they secured funding for a completion on a Court Facilities Master Plan which was finalized in November of 2009. The needs that were reviewed by this committee over the course of their activities were for Circuit Court, Court Administration, Judges and Judicial Support Staff, Union County Juvenile Department, Community Corrections, District Attorney, Union County Sheriff's office, La Grande Police Department and the Union County Jail facilities.

During the course of their activities they submitted two Federal appropriation requests to fund a facility. The first one submitted in February of 2009 was an appropriation request to Representative Walden and Senator Wyden and Merkeley for \$14,872,000. They hoped that those funds would fund a full justice center that would have housed all of the State and County offices that were mentioned before. That was not approved. In February of 2010 another appropriation request was submitted to Senator's Wyden and Merkeley and Representative Walden for \$5,116,297 and would have also utilized \$1,781,000 in recovery zone facility bonds. That facility would have housed the Courts and the Support Staff. The Task Force felt that a facility to address all of those needs was beyond the funding abilities. This request was also not approved.

As part of the Task Force's actions they considered multiple sites and narrowed down the choices to three which was submitted to the National Center for State Courts for a Court Facility Master Plan. They were successful in receiving a grant for \$30,000 to have a facility planner from the National Center for State Courts come out with a team to review the three sites that the Committee had narrowed down out of all of the options they looked at. Two of the three sites reviewed were off of the County campus. The other was on the County campus.

In November 2010 the Committee concluded their work having made the recommendation for the construction of a third floor on the existing law enforcement facility to house only the State Courts. That is what was included in the last appropriation request and the recommendation to the Commissioners. They felt that they had fulfilled their tasks even though they did not find the funding. The factors that contributed to their selection of the on campus alternative were the overall construction costs, the proximity to the related services and the operating costs. At the time that the Co-Chairman of the Task Force made their presentation to the Commissioners concluding the activities of the Committee they urged the Commissioners to not give up on solving the

problem. The Commissioners made a commitment to not forget about the work of the Committee and the need to address the facility needs.

In 2012 Union County funded a feasibility study to determine further whether or not the proposed addition of the third floor on the existing law enforcement building was cost effective and whether it could actually be done. The study came back and showed that the addition of the third floor was very costly due to the need to upgrade much of the existing infrastructure in the building. That estimate was \$6.1 million. The County looked at that and because the County was unable to fund an expenditure of \$6.1 million and there was still a strong push from the local Circuit Court judges for a new court facility and there was an indication from the Oregon Judicial Department that they would advocate for some State funding assistance. In late 2012 the County submitted a request for funding in the amount of \$2 million for a new court facility. The cost estimate that was used was \$3,069,910 for a new two story building to be located on the current County campus. This was a substitute alternative that was identified in the Court Facilities Master Plan prepared by the National Center for State Courts. The County pledged to provide \$750,000 in cash and committed to provide existing land and in-kind services for the project.

After much effort and lobbying the \$2 million was allocated to Union County via HB5018 specifically for the Court Facility Project. The County obtained the \$750,000 cash that was needed to fulfill the obligation through full faith in credit obligations that were issued December 23, 2013 to meet the match pledge that was given. The County finalized the contract with the Oregon Judicial Department to receive the \$2 million. That contract includes the requirement that the County construct a 13,000 sq. ft. facility to house only State Courts. The County must receive proposals on a design/build structure and contract by October 1, 2014. The funds must be spent on the construction by October 1, 2015 or the funds must be returned to the State.

Hanley Jenkins explained the obligations to the City of La Grande for citing a new facility on campus. The County campus is inside the City of La Grande and is subject to their Land Development Code requirements. The County campus is the block between K Street and J Street also the block next door with the Jail facility and Shelter from the Storm are located is all considered the County Campus. Those two properties are identified by the City of La Grande in a Public Facilities Zone. It is the same zone that EOU is in. That zone does identify Circuit Court type facilities as an outright use in the zone. However, because it is in a Public Facilities Zone the County has to meet the development standards that are identified in that zone. The Development Standards is a list of things that have to be addressed that he will abbreviate because he has listed the things that are going to be the biggest challenges. They are landscaping, parking and loading, signage and submitting a site plan application. The most important

element of that is submitting a site plan application to the City. It is an individual application that identifies how the County would site the new facility on the property. Connection to the utilities, meeting the parking standard of the City, landscape and traffic flow requirements are all within that application. The County has known for some time that the parking standard is going to be the biggest hurdle in order to site any new facility associated with this campus. There is a challenge of being within the public schools and the university and all of those tenants have substantial parking needs with the facilities. The City has a very prescribed standard for parking requirements. The County knows that it will be a challenge to meet that. If the County cannot meet those standards then the County has to submit a separate application to the City to vary from a development standard. Variance applications are intended to be very difficult. The City has told the County that getting a variance to the parking standards will not be easy because it is a self imposed requirement that the County would be pursuing. The County is building a new structure. There is no exceptional or extraordinary conditions that exist with the property or with the existing condition. In addition to that the City has said that because the County is establishing a new building somewhere on the County campus there would also have to be a traffic impact study done which is a separate application. Hanley explained that he is in negotiations with the City right now over whether or not a variance application is needed and whether or not a traffic impact analysis is needed.

The County had to evaluate what the parking requirements are under the City's Development Code Requirements. The parking requirements are based on the square footage of the buildings and the number of employees. The City has a formula. Hanley measured all of the offices and all of the meeting rooms in all of the buildings in order to come up with a calculations to meet the formula. The outcome is somewhere between 60-70 spaces short with the existing facilities. Now the County has to look at what moving the Circuit Court to somewhere on the campus would do to being able to address that deficiency and determine whether or not a variance is needed. He looked at what the opportunities are within the existing campus to create new off street parking. There is some room on the East side and North side of the Commissioners building. He also looked at vacating K Street between 5th and 6th. The City encouraged the County to pursue the vacation application. Hanley submitted that application yesterday to the City of La Grande. If the County has to submit a variance application it would need to be submitted by March 14, 2014 in order to get on the City Planning Commissions agenda for April 8, 2014. If the variance application is approved it would be a final decision for the Planning Commission but if it is not approved than someone has to appeal that decision and it has to get on the City Council agenda which could be a three month process to get a final decision.

Hanley explained that there are a number of alternative sites on the campus. They tried to evaluate six or seven alternative sites that were ones that had been

presented to the County and ones that were the most viable given the criteria that has to be used. There were two primary requirements that had to be addressed. The first requirement is the contract between the County and DOJ which prescribes a building that is 13,000 sq. ft. in area. Because of the cost involved it is more likely that a one story facility would have to be built because of the costs associated with a second story and the long term maintenance costs with maintaining elevators. That contract also recognized that it is an on campus facility. The second requirement is the limitation that the City's Land Development Code places on the County as far as being able to develop within the Campus.

Hanley then went through the alternatives which are not prioritized. He explained that he probably does not have all the pros and cons listed but has the ones that are most obvious.

Alternative 1: Site the Circuit Court at East end of Commissioner's building

Pros:

- The Shelter from the Storm building would remain standing.

Cons:

- The lawn area is only 80 feet wide from the sidewalk to the edge of the building. The length is only 109 feet. In order to get 13,000 sq. ft. there would need to be 217 feet and the building could not be extended far enough to get 217 feet. Could to an "L" shaped building around the Commissioners but there is only 45 feet from the existing building to the sidewalk. It is doable but it would have challenges as far as efficiency in the building.
- Would lose 32 parking spaces.
- Not have direct linkage to the Jail which is one of the criteria of the agreement.
- May prevent vacation of K Street.

Alternative 2: Site where the Shelter from the Storm Building is located and move the Shelter from the Storm staff into the Commissioners building and move the facilities in the Commissioner's building into the current Circuit Court building.

Pros:

- The Shelter from the Storm is kept on campus

Cons:

- The Commissioner's building is not an ADA approved building

- The cost of moving the Administrative Services i.e. the mainframe computer system would be substantial
- Because this building is on a separate meter for utilities the Shelter would be obligated to pay for the utilities.

Alternative 3: Site where the footprint of the Commissioner's office is now.

Pros:

- The Shelter from the Storm building would be saved

Cons:

- The cost of removing the Commissioner's building would be high because there is asbestos in the building and a lot of the building is poured concrete.
- The cost of moving the mainframe computer system
- Most likely cannot occur within the timeframe in which the County is obligated to meet.
- No linkage to the Jail
- The Commissioner's building is also a historical structure which was found when trying to replace windows to make them more efficient. Removal requires a delayed timeframe and notification to the State before it can be removed.

Alternative 4: Site the Circuit Court between the Jail and the Shelter. 84 feet between buildings.

Pros:

- The Shelter from the Storm building would be saved
- Direct linkage to the Jail

Cons:

- Only 84 feet wide and likely need 5 feet between each building so now it is only 74 feet so it would be a long slender building.
- Consumes 40 parking spaces which challenges parking requirements with the City.
- There is a bank between the two buildings right now
- Aesthetics issue with trying to site the buildings so close to each other.

Alternative 5: Building two story building anywhere on campus

Pros:

- Has a smaller footprint
- Possibility to site it somewhere that would not remove the Shelter building

Cons:

- Substantial increase in construction cost
- Substantial increase in long term maintenance costs associated with elevators
- Circuit Court believes they lose substantial efficiencies within their operation
- Likely would lose 18 parking spaces based on the footprint.

Alternative 6: Site where the Shelter footprint is now

Pros:

- The Circuit Court could be a one story building
- The cheapest alternative
- Maximize the parking opportunities for increasing parking on campus
- Provide connection to the Jail

Cons:

- Require moving the Shelter to a different location

Hanley explained that the property North of the County campus is for sale and there would be an opportunity to purchase an existing residence on the Southeast corner of the block to move the Shelter into that residence. There are three other residences on that block that could be used as rentals or single family dwelling occupancy. But the property would have to be purchased.

Commissioner Rosholt explained that after the County signed the contract with the State there was a meeting scheduled with Teresa Crouser from the Shelter from the Storm and talked about the options that have been presented. Teresa followed up with a letter to the County talking about some concerns that she had. The County followed up with a letter in return with some comments. Commissioner Rosholt met with the Shelter from the Storm Board of Directors on February 12, 2014 which brought the situation to where it is now.

Commissioner Davidson asked Shelley about analysis that was done regarding the expense associated with a two story building and the elevators. Shelley explained that a two story building would require two elevators. One for the public and a separate one for inmates. She was presented with a variety of potential costs for those elevators. She used a \$90,000 cost for initial construction for one elevator. There would be \$180,000 of the budget spent on elevators. The County currently has three elevators and are required to keep maintenance agreements and contracts on those in order to keep the permits. She did an estimate of the cost for two elevators for maintenance. The useful life of a building is typically 50 years so that is what she used for the maintenance costs and added an inflation

factor the total costs would be over \$1.2 million for the elevators and the cost of maintenance over the life of the building.

Commissioner McClure asked about the concern for efficiency on a two story court facility. Commissioner Rosholt explained that it is based on what the courts calls best practices. It is inefficient presently in the two story building. He explained that he has asked the Court staff to come up with some information on how they would like to see the layout of the building to maximize efficiency. Commissioner Davidson explained that when the Court Administrator had addressed the Commissioners previously she talked about the value from both an efficiency stand point and a customer service stand point of having their staff together on one floor so they can be cross-trained for a better delivery of service. Shelley explained that it was the Circuit Court Judges and Administrator that approached the County once the agreement was signed with the State indicating that they preferred a one story building. They were requesting that because of the efficiencies and the concern about the budget being enough to provide all that they would like to see in the facility if the money is being spent on the elevators. Their primary concern was the efficiencies and the work flow.

Commissioner Rosholt explained that he started attending sessions of the Oregon House and Senate committees. He took conceptual drawings of a two-story building thinking that it would be a two-story complex until the Judge and the Courts started looking at a one-story building because of the cost and the efficiency.

Teresa Crouser, Executive Director for Shelter from the Storm, explained that the Shelter has expressed to Commissioner Rosholt that the Shelter cannot move. They have talked to their Board of Directors and met with the Commissioner and Judge and that position has not changed. The Shelter cannot move. In her opinion it is unfortunate that the time frame for the court facility being built is an issue but they were not involved in any of the discussions and she felt that they could have been helpful in getting a plan together and obtaining funding to help reduce some of the expenses that are now on the table.

Commissioner Rosholt stated that he feels that the County needs to move on this in some way. He suggested the Commissioner's wait a few weeks to work out some details and make a decision at the next Commission meeting on March 5, 2014. That is his recommendation. Commissioner Davidson agrees with the recommendation. A decision doesn't need to be made today. He explained that staff has laid out where the County has started at and where it has come including what the challenges are that the County faces with trying to take advantage of this opportunity. This is a ground breaking appropriation from the legislature in regards to funding court facilities in Oregon. It seems clear from the analysis that the Commissioners have been presented that the best the

Commissioners can hope for under the proposals and situations that they can make the situation better but they can't address the deficiency fully. An RFP has to be issued and the process has to begin with a deadline that is contractually mandated of October to have this project moving.

Commissioner Rosholt explained that the Legislature passed the Bill to make this possible and if something happens and this gets delayed there is a good chance that the Legislature will not fund the project again. Any modification would have to have approval by the Legislature.

Commissioner Davidson explained that if the County cannot follow through on their commitment to provide a project in a timely manner they may move on because there is a long list of other counties that have needs that are similar to Union County. The County needs to live up to their obligation.

Commissioner McClure explained that providing a court facility has been a struggle for 23 years to try and solve the problem. They did a complete remodel of the Joseph building to locate the courts there but because of the type of construction it was limited in the design. The County has worked very hard for a lot of years and now there is a solution. There are still some issues to deal with that are not easy but the County has made a commitment to take a look at them and there will have to be a decision made to move forward. Commissioner McClure stated that he is not willing to walk away from it.

Commissioner Davidson explained that the Commissioners need to look at the options before them and compare them and make a selection at the next Commission meeting about which options do the best job of addressing the challenges for the broader community's benefit. The County does not want to miss an opportunity to take advantage of \$2 million in support from the State Legislature.

Commissioner McClure explained that he understands the importance of Shelter from the Storm to the community. That is not what this is about. He explained that they were housed in the old court facility. When that facility had to be torn down the County sponsored a CDBG grant to build the Shelter facility. That grant was received. He believes in the mission and what the Shelter does within the community.

Teresa Crouser stated that neither the Legislature nor the DOJ were made aware of Shelter from the Storms potential involvement in this project when the funding was allocated. They thought the court facility was proposed to be built on an empty lot. They did not know that the Shelter would be asked to vacate. She explained that in conversations that she has had with DOJ they have expressed that they would be willing to be flexible with the deadlines and the terms of the contract.

The Commissioners decided to have a conversation and make a decision at the next Commission meeting.

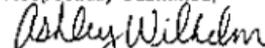
Executive Session

An executive session was held under ORS 192.660(2)(F).

Adjournment

The meeting was adjourned at 11:42 a.m.

Respectfully Submitted,



Ashley Wilhelm
Sr. Dept. Specialist II