

Board of Commissioners Meeting
February 18, 2015

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner Jack Howard

Chairman Davidson opened the meeting at 9:00 a.m. with all three Commissioners present. The pledge of allegiance was given.

Public Comments

Mayor Bill Lindsley, City of Union, stated that in 2013 the City of Union, Cove and North Powder requested that the County take a look at the goal 5 plan. There used to be a committee that was broad based across the County that helped set it up. There are some things that their communities felt should be looked at. He also explained that in the past he also came before the Commissioners with a couple other small cities trying to get back some of the tax dollars. He asked for 25% of the taxes that the City of Union pays to come back to the City. It amounts to about \$250,000 a year if Cove, Elgin, Imbler, Island City, North Powder, Summerville and Union were included. He requested a five year package it would about to about \$1.25 million to the County. He looks at it like an investment back into the County. It keeps the small cities able to keep up with things. He stated that the County works, in the same fashion, in Intergovernmental Agreements with the City of La Grande. The money received by the City of Union would be used for infrastructure. He also asked if Hot Lake Lane can be moved up on the list for chip sealing. Commissioner Howard asked the Mayor when he met with the city officials last to develop the 25% number. He stated that it was the year before last. Commissioner Howard stated that he wondered where the 25% figure came from. He felt that the 25% is inappropriate for each of the small cities to have the same number. Bill explained that it was a figure that they agreed upon but there were variations in the thoughts about the percentage. Commissioner Davidson asked Bill if he has made a list of services that the County provides to the cities that they are willing to see cut. Bill explained that he hasn't made a list because he is not exactly sure what his City has in the budget. He has gone through the budget and he can't see specific things that affect the City of Union. Bill explained that he would be willing to sit down with someone who understood the budget to get the information. Commissioner Davidson stated that he felt that would be good so he could get a clear understanding what is provided to all of the communities such as Assessment and Taxation, Elections, Record keeping, law enforcement and a long list of others that the County provides to the communities at the regulation of the State. It may appear that the City of Union is not getting anything for the taxes that are collected in their cities but there are services that are provided.

Irene Gilbert, 2310 Adams Avenue, explained that she sent the Commissioners information on Senate Bill 259, which is the Bill related to energy, saying that when energy developments are initially siting they could look at the full spectrum of all of the rules but the way it is rewritten if there is an amendment to any windfarm site the

Department of Energy and Energy Facility Siting Council would not be required to open the full spectrum of issues they would like to look at. She is very involved in fighting the Bill. She went and testified against it. Her concern is that these amendments can double or triple the size of wind developments. She has been pushing for people to have the right to a contested case on amendments as well as on initial site certificates. The impacts can be very different. JR Cook represents Eastern Oregon Water Association. He is involved in fighting this Bill and has asked to meet with Irene this Friday. One of her issues is that the Energy Facility Siting Council and the Department of Energy consistently fall on the side of developers in their interpretation of the Statutes. If this Bill went through the likelihood of local land use plans or local input having any influence after the initial site certificate is very minimal. The other group that is getting involved in it is Agriculture because they are now impacted by it. She invited the Commissioners to meet with her and JR on Friday morning at 9am. The Commissioners each let her know that they would be out of town on County business on Friday but they would have liked to attend and they appreciate the information. The Commissioners will all continue to follow the Bill.

Lois Barry, 60688 Morgan Lake Road, La Grande, asked if Commissioner McClure was in charge of the MERA property. Commissioner McClure explained that he is the Commission liaison of MERA but not the manager. Lois explained that she knows he does not manage the property. She then stated that the manager receives \$55,000 a year for coordinating the property. She was looking at the County budget and she noticed that in the income for MERA of a total of \$346,825, \$4,240 is from grazing fees on the property. She asked the Commissioners not to renew the grazing contract because the MERA is a recreational area. Cows are antithetical to recreation. When Great Basin National Park was created in Nevada as a result of the depredation of cows on the existing contracts for livestock it so diminished the pleasure of using that area that the government bought up all of the grazing contracts to get the cows out. She stated that the MERA account does not need \$4,200 out of \$346,000 to maintain the MERA. She asked the Commissioners to seriously consider not renewing the grazing contract. There is cow poop everywhere. In the middle of the summer there is dust everywhere. When she was walking in MERA with her dogs a person with a small jeep pulling a big trailer stopped beside the road and told her that she wouldn't want to go in with the dogs because the trailer was full of rotten meat to feed the cows. That is not appropriate to recreation areas. There are people hiking, riding their horses and the archery area, none of which is enhanced by having cows everywhere. The cows are standing in the streams. If the \$4000 is a problem in the budget there is one coordinator who is somehow managing to use \$9,500 worth of office supplies and copying. In the legal services area there are eight personnel and they only use \$4500 of copying and office supplies. She feels that the budget is pretty well padded anyway. She also requested that because priorities in budgets determine what is happening in Union County. Because of the tax income from the wind farm some funds can be given to different programs which makes it look as though Union County needs to make hard decisions. She fears that the County is not making some important decisions. She asked if before the County enters the budget cycle that the Commissioners consider

having some public information working sessions and invite the public to present their written concerns or discuss with the Commissioners the priorities for Union County. There is a lot of money going into Buffalo Peak Golf Course. There is an alarming number of hungry children in Union County and hungry children are not being made priority. She is requesting that the Commissioners consider creating some working sessions with the public and make people feel welcome to bring their concerns about the budget. She appreciates that the budget is available online. She would like to have an index included in the next budget that is put online.

John Phillips, Union, stated that he is concerned on whether the County will cooperate or coordinate with the Forest Service on forest projects. He doesn't want to see the County cooperate with them. He would like the County to coordinate with them. He thinks that if the County cooperates the Forest Service has the upper hand. Commissioner Davidson explained that the Commissioners all received a letter from the Regional Forester where he states that he encourages the County to continue to work with the Forest Supervisors to explore options in order to be clear on responsibilities and a process that is agreed upon to use for meaningful engagement. The issue of an MOU will be set aside. John stated that he is happy to hear that. He does not want the County to sign an MOU. Commissioner Davidson stated that he has two case studies from the Public Lands Council that they did for the National Cattlemen's Association entitled "The Beginners Guide to Cooperating Agency Status" and "The Beginners Guide to Coordination". They are about 35 pages long each. They explain cooperating and coordinating. He has read both publications and it says they are not mutually exclusive processes. If the MOU is worded properly rights or responsibilities do not have to be given away as a local government. He told John that he would make them available to him if he would like to read them. His personal take on it is that as long as any agreement that is signed doesn't give away any of the County's rights the County should engage in every level possible to influence the decision. The County should work as a cooperating agency to the full extent of the law and if there is not a suitable plan then the County needs to coordinate to make more progress and ultimately if it is egregious enough the County needs to litigate to protect the community and citizen's rights. Commissioner Howard offered to go over the documents that Commissioner Davidson was discussing with John. Commissioner McClure explained that the County was a coordinating agency with the Forest Service before and were honest with the Forest Service saying that if the Forest Service did not put out a product that the County agreed upon the County would not approve the document and the County did just that. The County sent a very strong stated letter to the Forest Service opposing what they sent out even though the County was a coordinating agency.

Irene Gilbert, 2310 Adams Avenue, La Grande, thanked Commissioner Davidson for sending her information about cooperating/coordinating and as she read it she feels that the County wants to be a coordinating agency. It sounds to her that the MOU is for a cooperating agency. She encouraged the Commissioners to change that word in the MOU. Commissioner Davidson stated that the County can do both and as long as the

County doesn't sign an agreement that gives away any opportunities to exercise the County's rights moving forward in the process.

Elgin Law Enforcement and Animal Control Contract

Craig Ward, Sheriff Captain, brought the Elgin Law Enforcement and Animal Control contracts to the Commissioners for consideration. He explained that these are three year contracts. There are only three changes in the current contracts. The first change is the ramp up language has been deleted from the contract. The law enforcement services are at full level now. The second change has to do with the deletion of any reference to the municipal court. The City of Elgin no longer has a municipal court. The last change is in the financials. The contracts continue to provide for 105 hours a week of law enforcement and 5 hours per week for animal control. The Elgin City Council has already reviewed and signed the document as well as the Sheriff. **Commissioner McClure moved approval of the City of Elgin Law Enforcement and Animal Control Contracts as presented. Commissioner Howard seconded. Motion carried unanimously.**

Blue Springs Crossing Easement

Doug Wright, Public Works Director, brought an Intergovernmental Agreement between Union County Public Works and the City of Island City. It is a maintenance agreement between the two parties. The Blue Springs development on Walton Road has been built. There was a natural drainage easement. The Easement was shifted to the underground storm pipe. When that took place it was better for Island City to take over maintenance responsibilities. This agreement allows Union County Public Works to give Island City the authority and the responsibility to take care of that system.

Commissioner McClure moved approval of the Intergovernmental Agreement between Union County and Island City as presented. Commissioner Howard seconded. Motion carried unanimously.

Consent Agenda

The January 29 and 30, February 2, 5 and 12 claims journals; and the January 28 and February 5 Public Works claims journals; and February 4 Board of Commissioners minutes were approved as presented on the consent agenda.

Memorandum of Agreement with Oregon Building Code Division

Shelley Burgess, Administrative Officer, brought a Memorandum of Agreement between Union County and the Oregon Building Code Division to the Commissioners for consideration. She explained that the County was contacted by the Division indicating that there needed to be an MOA in place to cover the County's operation of a building inspection department. The County has a contract with the City of La Grande who provides the services for the County. She explained that even though the County has an agreement with the City of La Grande to provide the services the jurisdiction still resides with the County. **Commissioner McClure moved approval of the Memorandum of Agreement with the Oregon Building Code Division as presented. Commissioner Howard seconded. Motion carried unanimously.**

Oregon Community Dispute Resolution

Resolution 2015-03, In the Matter of Participation in Funding Activities of the Oregon Office for Community Dispute Resolution, was presented for consideration. Shelley Burgess explained that the University of Oregon, School of Law operates a program called the Oregon Office for Community Dispute Resolution. They manage a grant program on an biennial basis that is available to counties. This Resolution would indicate that Union County wishes to participate in the program once again. It is for the 2015-17 biennium. The amount of funding that is anticipated for Union County is \$42,563. The County would agree to participate in the program which means that the County would release a request for applications to accept proposals from entities that wish to provide the community mediation services. There is a review process where the University of Oregon, School of Law reviews the applications for the qualifications of the applicants and recommends the selection of an appropriate entity to the County. There is then an award made. The School contracts directly with the chosen provider for services. **Commissioner McClure moved approval of Resolution 2015-03 as presented. Commissioner Howard seconded. Motion carried unanimously.**

Executive Session

An executive session was held under ORS 192.660(h) pending litigation.

Adjournment

The meeting was adjourned at 11:16 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II