

Board of Commissioners Meeting
April 1, 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

Margaret Mead, 57443 Foothill Road, La Grande, explained that in January she had asked when the Shelter from the Storm building will be razed. She sees that it is in process now. She wondered at that time if the bricks that were on the building might be sold like when the Berlin Wall came down. She would like the funds to then go to the Shelter. She doesn't feel that it would be appropriate for them to be used in part of the construction as a memorial for the new courthouse. Commissioner Davidson stated that the salvage and recycling of the debris of the demolition is up to the contractor. He told Margaret that the contractor would be the one to address her questions to.

Eddie Garcia, 1904 Adams Avenue, La Grande, stated that the individuals in the room just pledged their allegiance to the United States as Americans. With that privilege comes a bundle of rights. Rights as Americans are exercised without fear, reprisal or retribution. As Americans it is the right and duty to challenge government. He often hears comments from governing bodies that hardly anyone show up to their public meetings. He stated that the governing bodies forget to include in that statement that the meetings are held during the day. This community is a working class community and many residents are working and cannot get the day off work. It has been suggested multiple times to consider offering this Commission meeting on TV and hold it in the evening hours when more people can attend or at least have the opportunity to. The majority of this community does not have the luxury of getting paid almost \$1300 a week or \$65,000 a year. He asked them to have consideration for the community and offer this meeting on TV or during the evening hours so that more members of the community can attend.

Eddie stated that it is no secret that he has been filing public records requests with the County Commission. He stated that the Commissioners have neither acknowledged some of his public records requests or replied to them. The Commissioners are public servants getting paid a handsome sum. He asked them to act accordingly in compliance with State law. He explained that if the Commissioners are testing his patience it is exhausted. If they are testing on whether Eddie will file a judicial action compelling the County to comply with State public records he has already drafted a petition and will do so as a matter of principle. Two of the Commissioners have never replied to any of his inquiries regarding public records requests or any other inquiry as a resident and a voter of the County. He stated that whether he is a Democrat, Republican or Libertarian or whether they like him or in this case dislike him they still have a duty as an elected

official and a public servant to at least be professional and courteous to reply to inquiries to residents and voters alike.

Commissioner Howard stated that there is progress being made on every front of government. It never stops. He stated that they were at a meeting in Elgin and he is encouraged by the steps to open up a process and their schedules as well. In Elgin they met with the Mayors. The meeting was a wonderful step and a good process to begin. It is an ongoing process.

Jail Camera System

Cathie Falck, Sheriff's Office, brought proposals for the Jail camera system to the Commissioners for consideration. She explained that there was \$15,000 to upgrade their camera system and to put cameras in the cells which they do not have now. Not having cameras in the cells is a major security concern for the Sheriff's office. She requested proposals from Moon Security, Tyco Integrated, and Huser International. She received proposals from Moon Security and Tyco Integrated. Tyco Integrated's proposal well exceeded the \$15,000 budget. Moon Security's bid was \$12,519 but does not include running the new Cat 5 lines required for the new digital cameras. They knew that would be the case with any vendor and the \$15,000 budgeted was to include the costs of having an electrician run Cat 5 cable. If the cable installation costs are more than projected the correction's budget would be able to absorb those costs.

Commissioner Howard asked how long it would take to install the cameras. Cathie stated that she would have to contact Moon security and the electrician but she thinks that once the cabling is run it would proceed quickly.

Commissioner Howard asked if she compared the warranties on the two bids. Cathie explained that she hadn't compared the warranties but she can.

Commissioner Howard would like to have more information about the warranties and have Cathie bring them back to the next Commission meeting.

2015 Fund Exchange Agreement

Doug Wright, Public Works Director, brought a Fund Exchange Agreement with the Oregon Department of Transportation to the Commissioners for consideration. He explained that this Agreement allows them to exchange Federal funds for State funds. These funds are used for chip seal projects. This is yearly funding through ODOT. By exchanging the money for State funds it eliminates the rules and regulations that come with Federal funds and the time for administration of the Federal funds. **Commissioner McClure moved approval of the 2015 Fund Exchange Agreement as presented. Commissioner Howard seconded. Motion carried unanimously.**

Consent Agenda

The March 19 and 26 claims journals; and March 18 Public Works claims journals; and March 18 Board of Commissioners minutes were approved as presented on the consent agenda.

Appointment to the Union County Budget Committee

Court Order 2015-16, In the Matter of Appointment to the Union County Budget Committee, was presented for consideration. Shelley Burgess, Administrative Officer, explained that Kyle McAndie who had been serving on the Union County Budget Committee notified her that he needed to resign the position. She provided notice that the County was accepting applications for the open position. The term would begin immediately and expire December 31, 2016. There were two applications received from Bob Coulter and Lois Barry. **Commissioner McClure moved to appoint Bob Coulter to the Union County Budget Committee. Commissioner Davidson Seconded.**

Commissioner McClure explained that the position held by Kyle McAndie has traditionally been held by the business community. Mr. Coulter fits that position. The County has tried to have the positions represent the agricultural community and the business community. He stated that he would not have any objections to Lois but he feels that Bob's experience on other budget boards will be helpful in the process.

Commissioner Howard would like to have more information about the applicants on the applications such as a background of skills and experiences. He does not have any discomfort with Mr. Coulter but he would like to be better acquainted with everyone that has applied for each position. Commissioner Howard asked how the position was advertised for. Commissioner Davidson explained that it has been advertised on the County website which has been so thoroughly requested by the public.

Commissioner Howard explained that because he would like more information from the applicants he would be most comfortable not taking a position on the application. Commissioner McClure explained that this is the standard application process and if Commissioner Howard is suggesting that be changed that can be done. He can make changes to the application process and provide the new document to the Commission for consideration. This form allows the applicant to put whatever information on the form that they would like to in order to show that they are qualified for the position. Commissioner Davidson explained that for some committees that are specialized like the Planning Committee they have interviewed candidates to discuss their viewpoints and what they know about Planning.

Roll Call; Commissioner Howard: Abstain, Commissioner McClure: Yes, and Commissioner McClure: Yes. Motion carried.

Non-Profit Contracting Resolution

Resolution 2015-05, In the Matter of the Application of Oregon Laws Governing Actions of Non-Profits to Non-Profits Contracting with Union County, was presented for

consideration. Shelley Burgess explained that this Resolution was prepared by legal counsel and is a follow-up to conversations the Commissioners had earlier this year requesting that a Resolution outlining the policy be presented. **Commissioner McClure moved approval of Resolution 2015-05. Commissioner Howard Seconded.**

Commissioner Howard pointed out a few changes that he would like made to the Resolution. There needed to be a space between 501 and Corporations. He understands that the thrust of it is to cover all attempts at Federal tax exemption. There may be a filing of a pending 501 and they may not have received it yet. He interprets the Resolution to include pending 501 organizations as well. In the last "Whereas" it states "existing non-profits..." and he feels that existing raises an issue on whether the County is attempting to modify any contracts that have not been renewed. It will be difficult to force a new term in a contract with an existing non-profit. What is interesting is in terms of working with non-profits these are existing rules under Oregon law. This Resolution is just bringing the County in compliance to the State. The County is not seeking to change existing contracts to represent this Resolution.

Commissioner Davidson stated that he feels that the statement, "Now therefore, be it resolved that the Union County Board of Commissioners hereby authorizes the Board to enter into future contracts with non-profit corporations and amend existing contract when appropriate to include the above cited laws and hold non-profit corporations accountable for their duties under the laws of the State of Oregon" addresses Commissioner Howard's concern. He feels that this Resolution gives the Commissioners the authority to amend the contracts if they deem it appropriate.

Commissioner Howard stated that in the sense of making this Resolution retroactive in any extent it would be invalid. He is not sure it is clear. **Commissioner Howard moved to strike "existing" from the fourth paragraph, to strike "amend" and insert "execute" and edit "contract" to read "contract(s)".**

Commissioner McClure stated that he feels that the County needs to make a statement to all non-profits existing and yet to be formed in order to do business with the County they have to comply with both State and Federal regulations as it relates to reporting. There have been instances where it has not happened and instances where it happens regularly. He thinks that the County has an obligation to try and clarify the responsibilities of the non-profits. He does not see the importance of striking the word existing. Commissioner McClure explained on the suggested change to paragraph five that his idea is not to go out and open the contracts but as the contracts expire the new contracts will include this language. It is not his intention to require that the County go to each non-profit in a current contract and change them. He doesn't feel that it is appropriate for Union County to say at a minimum the County expects non-profits to be in compliance.

Commissioner Davidson stated that he thinks the main point of this Resolution is to establish the standard that the County expects non-profits that contract with the County

to meet. He doesn't think that the fifth paragraph implies that the County believes they have the authority to unilaterally amend existing contracts. The language in the contracts would address the process to amend a contract.

There was no second on the offered amendment to Resolution 2015-05.

Motion carried unanimously.

Eddie Garcia stated that his contention with the Resolution is whether discussions were had earlier in the year or not it seems quite surreptitious that this Resolution be drafted now with the ongoing discussions with the Animal Shelter as a non-profit. The other alarming thing to him is that the County cannot advise every entity or every organization in the County of what is on the agenda but he thinks that because it is a small community with the ongoing dispute and discussion with the Animal Shelter it would have been prudent for the County attorney or County Commission to advise the Animal Shelter that this Resolution was on the agenda. They had no knowledge of it and he feels that is unfair. He has looked at the Statutes that are referenced in the Resolution. One of the Statutes is very opportune for the electors to, by initiative power, create an Ordinance. He asked why the County is excluding for profit organizations from this Resolution. He asked if they are not supposed to adhere to the same laws that the County is asking the non-profits to adhere to. There are plenty of for profit organizations along with non-profits that do business with the County and receive thousands of tax payer dollars. To leave out for profits is not genuine. It is alarming to him that this Resolution is brought up now without giving the Blue Mountain Humane Association notice. He feels that this is clearly targeted towards the Blue Mountain Humane Association. He feels that things are being done underhandedly.

Commissioner Howard stated that there is an enormous difference between non-profits and for profits. He thinks this Resolution addresses that. There is a need to improve the way the County expresses good business practices and this is an important step in that process. He doesn't think that there was any intent on targeting any particular group. It is a step towards better transparency, better disclosure and better adherence and notice about the rules. The public has a high stake in the way non-profits operate. A non-profit borrows public trust much in the same way political bodies do. He feels that it addresses those concerns and is a step in the right direction.

Adjournment

The meeting was adjourned at 9:38 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II