

Board of Commissioners Meeting
February 15, 2017

Present: Commissioner Steve McClure
Commissioner Jack Howard
Commissioner Donna Beverage

Commissioner McClure opened the meeting at 9:00 a.m. and the pledge of allegiance was given with all three commissioners present.

Public Comments and Concerns

Doug Osburn, Omsbud Proposal

Commissioner Howard stated that Doug Osburn was scheduled to make a presentation, but was under the weather; the presentation was rescheduled for March 1.

Weed Program Public Comment

Margaret Mead, 57744 Foothill Road, La Grande, thanked the commission for hiring Brian Clapp as the Weed Supervisor. He called ahead of his visit to her property and educated her about the unwanted weed on her property. He was very pleasant and she thinks he will work well with the public.

Commissioner McClure stated that the Weed Board made sure Mr. Clapp understood that they were looking for compliance. The last thing they want is heavy handed enforcement in weed control. When the county talks to constituents and works together, it produces better results. Compliance enforcement is the last intent.

Sage Grouse Public Comment

Irene Gilbert, 2310 Adams Ave, La Grande, stated that she sent information to the Commissioners about Sage Grouse rule changes. The EFSC will take rule change public comments on February 23 and 24; she hopes that the commission will send comments regarding those rule changes.

Commissioner Howard asked for a copy of Ms. Gilbert's comment letter that she submitted to the commissioners that morning via email.

Ms. Gilbert stated that her first concern with changes was that special advisory committees would no longer be notified and given an opportunity to comment before an amendment request happens. The importance of amendments can't be understated; it has been used to double the size of a wind farm and to change the Boardman plant from coal to natural gas plant. Her second concern was about an amendment that would remove the notification requirement for people who are denied a request for a contested case. There is a lack of objective criteria when they make decisions about amendments and whether or not people are given a contested case. In spite of the significance of these changes, no person has ever been granted their request for a contested case on an amended site certificate.

Commissioner Howard asked if it was possible that they are presuming that non-substantive amendments will be non-material. He stated that he would be somewhat concerned about any answer to that and other issues knowing that the Planning Department had not reviewed this. Ms. Gilbert stated that the reason she brought it to the commissioners today was so that they would not miss the February 23 deadline for comments. Commissioner Howard stated that the time frame would be difficult to meet.

Commissioner Howard asked if they were trying to say that changes are only material if it is a substantive amendment, or are they presuming that they only allow procedural amendments? Ms. Gilbert stated that they are saying that the changes are procedural; it adds steps to obtain a contested case and also some very substantial changes, such as removing the Commissioners from having any input on amendments.

Ms. Gilbert stated that another concern is that it lists times when they don't have to have an amendment occur. Some of those are major changes. When the Oregon Department of Energy (ODOE) makes that decision unilaterally, the public has no input or know that the changes have been made. When they decide a public amendment request is not required, there should be some opportunity for public notice of that decision and comment on it. Another concern is that they changed the site boundary. The people who are impacted by those changes aren't being given a contested case. There is no assurance that there is any opportunity for the public to have a contested case in spite of new impacts and changes. This is all around contested cases and input from the public and whether or not there is a viable due process opportunity when they make changes to any kind of energy facility. She is also concerned that they are saying that when they add to the site boundary they only have to look at the area that was added. The rules state that when changes are made, they are supposed to evaluate the cumulative impacts of the development. When you only look at the part that has been added, that really isn't looking at cumulative impacts. It looks like it is in conflict with the statute requiring cumulative impact analysis. Another concern has to do with the due date for comments. The statutes allow agencies to make comments due at the end of their public hearing. She doesn't know of any agency that does that because it is very confusing to the public and creates an unknown deadline for those comments.

Commissioner Howard thought that the Commissioners could take a position on Ms. Gilbert's last concern without requesting an expert opinion. He asked if they have it right and everyone else has it wrong regarding comment period being at the close of day versus the end of a hearing. He thinks Congressional or Legislative testimony is accepted through the end of the comment period, not the end of day. Ms. Gilbert stated that the statute says that comments are due by the end of the public hearing or a later time as they define. Other agencies have chosen to make the deadline as postmarked on the day when the public hearing ends. Commissioner Howard asked if it was elected by specific rule and added that it suggests that they have not yet codified that rule. Ms. Gilbert stated that they have been requiring it but it is confusing because it is the only agency that is taking that license in Oregon. It makes it confusing to the public and eliminates the right to a public hearing.

Ms. Gilbert stated that in regards to the Sage Grouse rules, the issues become the same. She thinks they are probably violating Federal law because in the Sage Grouse change, they have removed the requirement that anyone putting together an energy development include information in their application about federally protected threatened and endangered species. Oregon has taken the stance that they don't enforce federal wildlife rules; that is probably against Federal laws since it is supposed to take precedence. It also creates other problems: how do you avoid having impacts on federally threatened and endangered species if you don't know if they are present at the site? In Union County, there is a significant number of these threatened and endangered species. Ladd Marsh is supposed to encourage them to be here. And now there is a State agency that says it's not important enough to include in their application. The Oregon Department of Fish & Wildlife is supposed to be making recommendations on these energy developments or the protection of federally protected threatened and endangered species; they will not be provided the information to know what is there. She sent a message to the Legislative council asking that they look at the legality of this; the response was that until the rules are promulgated they will not look at it unless it is requested by a Representative or Senator. If we care about the federally protected animals, we ought to be making a comment that it is important to know where they are.

Commissioner Beverage asked Ms. Gilbert if she had talked to a State Representative or Senator about this. Ms. Gilbert stated that she sent some brief introductory information to them and plans to follow up. Ms. Gilbert stated that the Stop B2H group talked about the need to follow up and have a Representative ask for a legal review of the legitimacy of this. The other thing they have done in this rule change is that the new Sage Grouse rules that are supposed to protect the Sage Grouse, they included a caveat that says that the Department of Energy can overrule those rules and allow things such as transmission lines to be sited next to protected habitat, ignoring the fact that there are a lot of impacts. Transmission lines will impact whether or not Sage Grouse will stay there because they avoid tall structures. When a state agency is allowed to upset an agreement like the Sage Grouse agreement, you are setting us up to have them listed as endangered species, which has incredible negative consequences to this county.

Commissioner Beverage appreciated Ms. Gilbert's research. She thinks she has some good points, but didn't know if it was the right moment to do it. It could be discussed more at a work session.

Public Comment

Ray Randall, 765 Third, Union, stated that there are things happening with the EFSC siting process that makes him wonder what they are thinking. They seem to want to take public comment opportunities away and make it more difficult. He thinks they should be doing the opposite.

Commissioner McClure suggested that the commission work through the Planning Department and consider drafting a comment letter. He thinks Mr. Randall made a good

point that public comment should be made available. He also wonders about these amendments when they double the size of wind farms without going through a process. There is something about that that bothers him. Doubling the size of the wind farm will result in more impacts than what was first considered.

Ms. Gilbert stated that these amendment rules create additional procedures that make the process even more overwhelming.

Commissioner McClure asked Ms. Gilbert if she thought the State's movement toward renewable energy was in conflict with these rules. He also asked if she thought the State's position of moving Oregon to total renewables and doing away with carbon based fuels was causing part of the conflict we are seeing at ODOE.

Ms. Gilbert stated that there are interesting things happening with the renewable energy mandate, as seen with the McCarthy Boardman change to natural gas. She listened to one of the Representatives supporting the renewable energy mandate go before the EFSC and say "let's not be in a hurry to promulgate these rules because we want the gas generated energy as backup to be in place." He was basically saying that the connection between developing wind farms meaning you are required to develop natural gas developments. They wanted to separate those out and you can see the results with Boardman. Now there are 100% renewable people saying that they don't want natural gas, not recognizing the need for natural gas. She thinks the effort is to get all of these things approved; that is difficult when amendments are getting resistance.

B2H Advisory Committee Public Comment

Irene Gilbert, La Grande, stated that the commissioners will have an opportunity to comment on the completed B2H application; that will involve a very large number of pages to review. Idaho Power has said they will ask for approval of two to four different lines through Union County; they would then decide which route to use. That creates a lot of problems and complicates the process. One of the proposed lines would affect property owners that don't even know that the route was added at the last minute and it will have some surprises for the citizens. She is concerned that the county does not have the resources to do a thorough job of looking at this. Without input from outside groups like the Stop B2H group and the advisory committee, it will be difficult for the commissioners to do their job and have the information that it needs. When the application comes to the county, the commissioners have the opportunity to request that the developer pay for outside consultants to review the issues that you do not have the expertise or resources. The things she thinks about are police protection because this will increase trespassing and poaching, and also fires because transmission lines create fires. The county needs to know that it has the fire protection that it needs. It will also create water issues and weed control issues. Construction of transmission lines creates issues because a lot of ground will be torn up and create opportunities for noxious weeds to move in. When the ODOE looks at these, they will only look at the right-of-way, but weed issues extend beyond that. The county will want someone to evaluate the potential impacts in this area. The biggest threat to agriculture in

this county is noxious weeds; that is an area that would benefit from having a third party looking at the impacts. She thinks that input from outside groups like the advisory committee is a good place for that if they are actively participating in sending forward issues and to make the county aware of those issues. She knows that the City of Union had \$50,000 in left over consultation funds when the Antelope Ridge wind farm was proposed; Union County has the same right to ask for help. She did not think it was reasonable for the commissioners to read the draft application in thirty days and do the job well without outside input.

B2H Public Comment

Mr. Randall agreed with Ms. Gilbert's statements. He has a hard time comprehending two to four route locations at this stage in the game; can't they make up their minds? It is mind boggling that the county and citizens would have to analyze those four routes; they will each have specific things for their locations.

B2H Public Comment

Grant Darrow, 72065 Darr Road, Elgin, wondered if the county as a governing body could petition the courts for a judicial review of the way they are operating, especially if there are conflicts with statute and how administrative rules are being applied.

Constituent Inquiries

There were no constituent inquiries presented.

Elected Official, Department Head & Employee Comments

Brian Clapp, Weed Supervisor – Updated Weed List

Brian Clapp, Union County Weed Supervisor, 10507 McAllister Road, stated that the Weed Board met in January and made some additions to the current Union County noxious weed list. Mr. Clapp reviewed the proposed updated weed list and explained the changes. The primary reason for the additions was that those types of weeds are present in Wallowa and Baker County. Having weeds listed also helps with funding.

Commissioner Howard asked how the public could contact Mr. Clapp. Mr. Clapp stated that he can be reached by phone, email or in his office. Commissioner Howard asked how the website was coming along. Mr. Clapp stated that the website is still in progress.

Commissioner Beverage thanked Mr. Clapp for all he is doing; eradicating weeds in Union County is very important.

Commissioner Howard moved approval of the Updated Weed List as presented. Commissioner Beverage seconded.

Mr. Clapp added that the Weed Board has indicated that they do not want a Facebook page for the Union County Weed Program.

Roll Call on updated weed list: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.

Feral Cat Program Proposal

Commissioner Howard stated that this item would be rescheduled for March 1.

March 1 Commission Meeting Discussion

Commissioner Beverage stated that she would not be in attendance at the March 1 meeting due to a trip to Washington, D.C. Commissioner McClure stated that the meeting could be rescheduled. Commissioner Howard thought that was a good idea.

Commissioner McClure suggested moving the March 1 meeting to March 2. Commissioner Howard stated he would be unable to attend March 2 due to other meetings and suggested moving March 2 agenda items to the scheduled March 15 meeting.

Shelley Burgess, Administrative Officer, stated that she would need to check on the notification requirements for the Good Road Vacation agenda item currently scheduled for 10:00 a.m. on March 1.

County Organization & Home Rule Discussion

Commissioner Howard stated that this is a wish list item from the last year and a half. As an outsider coming from outside Union County, his background is more from Washington State and Pierce County and the county structure here is quite different from what he is used to. He is curious about how the county functions. He stated that Mrs. Burgess has provided some profiles about organizational charts. How does our county function based upon what we can refer to the public as an organizational system? He is asking that the Board of Commissioners assist him in developing these types of organizational charts, which could then be posted on the county website and help the public understand where accountability flows. It is also part of general management practices that has been accepted as good practices. Everyone can see who is accountable and the flow of authority, but also begin to assess if it is working. One specific thing he would like to have a discussion around is how people respond to their responsibilities within their departments based upon their job descriptions. One issue that came up was what is being done to handle people during the incarceration process; are there gaps in the system between the departments and is there a smooth transition of services? He would like to have job descriptions to match that up. He would like to have a good organizational chart for the county so that he can see the number of staff in programs and their job descriptions.

Commissioner McClure stated that there are other elected officials that have specific organizational responsibilities. The commissioners have budget authority over other elected officials and can determine the number of staff in those departments, but cannot tell them how to manage their departments. There are departments that the commissioners have control over, such as Public Works and Parole and Probation. The county created a chart years ago to explain it. He has been with the county for a long time and is comfortable with

its organization, but can also understand how it could be difficult to understand when coming from outside of the county.

Commissioner Howard stated that investigating home rule is something that is in his bucket list for the coming year. Commissioners work with different groups of people at the county due to their portfolio assignments. When he wants to get a job description for one program, he can't demand them. By knowing staff position descriptions, he would be able to say what they do in their jobs when he is in various meetings. It reinforces the need for organizational charts. He would like to know the commissioners' role in terms of the budget process because there are specifics about it that affect what he can do based on knowing somebody's job and politely asking for it to be helpful. More specifically, the budget issue itself is interesting because he would like to have this process more solid in terms of having an organizational chart with attached job descriptions in place before beginning the budget process. He would like to see the county move into a pre-budget process by February each year so that there is a system in place where the commissioners know what the system looks like that they are funding. It would help the commissioners in the budget process to be aware of what people do, their performance standards, and how well they are accomplishing their stated goals. We could then say this is the money we use to affect our policies through departments. It reinforces the commissioners' ability to do their jobs as policy makers. The budget is a key element of where he would like to see the county go with the functionality, department responsibilities, and the job descriptions.

Commissioner Beverage asked if Commissioner Howard had February 2018 in mind as a goal; Commissioner Howard agreed that was correct. Commissioner Howard stated that it would be nice for the three commissioners to do this at this level to sort out what would and would not work while considering the county law part of it and sensitivity of other departments.

Commissioner McClure asked Commissioner Howard if he thought it would be appropriate for the county to take a proposal to the public for home rule. Commissioner Howard stated yes and added that he believed in it. He thought about it for a year, had worked with several citizens and loosely formed a coalition of what that picture might be. He would like to bring that to the Board of Commissioners within the next two or three months.

Commissioner McClure asked Commissioner Beverage about her thoughts regarding home rule. Commissioner Beverage stated that she does not have enough information about it and thought the commission would need a work session to review it and hear Commissioner Howard's proposal. She would like to look at all sides of it before making a decision.

Commissioner Howard stated that the useful thing is that he has a little library of information about home rule that he would send to the commissioners. The question is will it work for the county? He stated that Commissioner McClure was right when he said that the commissioners need to look at all options rather than just presuming that a new jail facility needs to be constructed. Sometimes we get tunnel vision with just one person working on it.

Home rule would have to fill the potential of what it could accomplish and the question would need to be raised to know how well Union County could facilitate the goals of home rule.

Commissioner Beverage stated that it would be a huge project and the county would need to take its time in reviewing the advantages and disadvantages. She is willing to work on that.

Commissioner McClure stated that he is not opposed to investigating home rule. The county presented it to the voters in the early 1980s, but it did not pass. The county needs to define the process so everyone understands it; it is not a decision made by the commissioners, but prescribed by law if passed by the voters.

Mrs. Burgess stated that there could be an initiative petition to form a home rule committee or the Board of Commissioners could establish a home rule committee. The commissioners would then appoint a portion of the members and the Legislators would appoint a like number; those eight members would appoint one additional member. The committee would work independently and could not include any elected officials. That committee would then put together a proposed charter that would eventually be referred to the voters. If initiated, the county clerk would be responsible for convening the commissioners and the Legislators to make the appointment of the committee.

Commissioner Howard thought that 2020 would be the earliest that it could be presented to voters.

Commissioner McClure stated that hearings would need to be held to assess the public's interest before forming a committee and taking it to the voters. It would not be a casual step that the commissioners would make and public input would be needed first.

Commissioner McClure stated that in reference to Commissioner Howard's comment about how efficient the county's money is spent, there are a lot of things that are mandated by the State of Oregon, one being the law library. There is a lot of money in the law library fund, but law libraries are not used much anymore because the internet is more widely used as a resource. There is State funding for that law library that cannot be used anywhere else. He does not know if that can be changed with home rule. When you look at these kinds of things, you can see these statutory inefficiencies. If the county were completely independent, commissioners could choose not to spend that kind of money on law libraries.

Commissioner Howard stated that the commissioners talked about the law library at their last retreat. It is really important to move forward with that request now because the State is pulling money out of the Legislative funding. The county is trying to get all of its ordinances online. Commissioner McClure stated that it is also important to get the ordinances codified. Mrs. Burgess stated that the proposal to do that would cost \$20,000; the county still needs the approval from the governing body of the law library funding before it can be initiated. Commissioner Howard asked if that could be done without another budget authorization.

Mrs. Burgess stated that it could be and was already included in the current fiscal year budget.

Commissioner McClure asked Commissioner Howard what he expected and wanted to see in terms of organizational documents; does he want to see job descriptions and a document for distribution? Commissioner McClure stated that there are job descriptions for every position at the county.

Commissioner Howard stated that he is trying to do this piecemeal. He has been working on a commissioner handbook that would help future commissioners begin their new jobs. An organizational chart for the county with each department that is current and dated would be helpful. He envisions that he would continue that process but in a more formal way with the Board of Commissioners' involvement. The commissioner handbook would be available to everyone; it would include job descriptions, keeping in mind that they could be pared down because they change and may involve negotiation or other departments. He is looking for functionality in the job descriptions so that he can look at it almost anytime and say this is what the budget reflects, this is the staffing level, and this is what they do with their staff and department.

Mrs. Burgess stated that she provided organizational charts to Commissioner Howard. Several years ago, each department was asked to provide their department's organizational chart as part of the budget process. In the budget narratives, departments outline positions within their departments. Her suggestion was that she make a request of departments to include current organizational charts with their budget requests for the next fiscal year. She has job descriptions for all county positions and was not aware that she had been asked to provide the most current ones for every position at the county. Job descriptions are updated when there are openings and supervisors are encouraged to update them annually with performance evaluations; she will continue to work with supervisors to ensure that is happening. When a position is open or there is a significant change in the position, those descriptions are updated. Those are not published because responsibilities can have adjustments; the county would need to revisit job descriptions before hiring a new person in a position to ensure that it is current. She can provide current job descriptions, but it may not have been reviewed in the last year or two. When an opening occurs, regardless of position, the department supervisor reviews the job description to make sure it is reflective of the duties that they need. There are not generally any huge changes, but technology and responsibilities change. The job descriptions are a living document, but the organizational chart would not change very much. The documents that Commissioner Howard is looking for are available.

Commissioner Howard stated that one thing that could be done is to make dated job descriptions available electronically. He does not expect Mrs. Burgess to do all of it and he would like to be plugged into the process. If he notices a job description that might be outdated, he would like to be involved in updating it. He wants to start evaluating the accessibility through electronic format to see when it was last revisited so that it would be

apparent how old the description is and know if it is worth revisiting. He hopes that department heads will respond with organizational charts for their departments when Mrs. Burgess sends budget requests. As representatives of public interest and accounting for how expenditures are maintained, it would be a valuable tool for commissioners and give them a bigger perspective.

Commissioner Howard stated that he would like to report back to the commission in March with what he has gathered. Mrs. Burgess stated that budget requests from departments are due April 1. Commissioner Beverage asked Commissioner Howard to provide his documents to other commissioners ahead of the meeting so that they could be reviewed. Commissioner Howard stated that it would be somewhat fluid, but he would send it as a file as he collates it.

Mrs. Burgess stated that she would be concerned about a commissioner rewriting a job description for positions represented by labor unions. Typically, job descriptions are rewritten with involvement of the supervisor over the position. If it is a labor union position, the county has to make sure some aspects are not changed because salaries and contracts are negotiated by the labor union.

Commissioner Howard stated that the intent would be to understand what the positions entail and how the functionality is achieved through the commissioners' understanding of the county organization. He added that there is a group out of Florida that has been aggressively seeking disclosure under public records requests, but he does not think they will charge Union County with failure to release information on job descriptions. Mrs. Burgess stated that she is aware of requests for salary amounts.

Commissioner Howard stated that the county has to be sensitive about not upsetting an apple cart of expectations for anyone, whether they are represented by a labor union or not. The commissioners can begin with what is available to better understand their jobs as policy makers.

Commissioner McClure stated that there is another twist when it comes to grants. Federal and State grants are for specific purposes; they determine as a policy what they want to push. When the county applies and accepts the grant, then all of those expectations come with the funding. Placing those responsibilities on a position would change the job description.

Mrs. Burgess stated that a perfect example of that is the Safe Communities Coalition; the job description for that position is part of the application. If the job description was changed by the county, then the county would be in violation of the grant agreement. There are a lot of intricacies with many positions at the county that make it difficult to apply a blanket process, and also why the communication takes place between the supervisor and staff making the changes to the job description.

Commissioner Howard stated that he would not use the 'redoing' phrase; it would be an approach of asking about the function. Some of the job description templates that come from the State have outrageous outdated language, but it cannot be changed.

Commissioner McClure stated that so much of funding is specific that only a small amount is discretionary. He would encourage it to be done, but it will be a very complicated process. Commissioner Howard stated that at the end of process it should not be something complicated to understand.

Commissioner McClure asked if the commissioners wanted to investigate home rule and make a decision later; Commissioner Howard stated that he would like to.

Commissioner Beverage asked the commissioners what they saw wrong with the current structure that would make them want to investigate home rule.

Commissioner McClure explained that the county's current structure is based on Oregon's constitution that was originally formed in 1859, which could have some innate inefficiencies. A lot of larger counties are more efficient in their operations; they don't have the separations that are created by that document. Home rule is used in a lot of counties; they are able to put systems together in a way that makes more efficient sense. He added that there are also a lot of counties that are not home rule. Mrs. Burgess stated that there are more general law counties in Oregon than home rule.

Commissioner Howard would like to send the information he has about home rule to the other commissioners and then schedule the discussion for a future work session.

Commissioner McClure encouraged the other commissioners to talk to AOC staff about this; it may make sense to have them come to a meeting after the Legislative session and have a discussion about it. If the county is going to consider it, it needs to be looked at slowly and carefully with public input.

Emergency Services Discussion

Commissioner Howard stated that one of the organizational aspects of reorganization that he recommends is changing the Emergency Services Department from a stand-alone department to one that is placed under the Sheriff's Department for supervisory purposes. Pursuant to some earlier conversations about organizational capacity, he thinks communications would be improved.

Captain Craig Ward, Union County Sheriff's Office, 1109 K Avenue, La Grande, stated that he did not have a lot of comments but was prepared to answer any questions the commissioners may have.

Commissioner Howard stated that the general purpose of the discussion was to ask if the county could make Emergency Services fit into a system with more continuity, improve the

system, and have the capacity to absorb it and make it more efficient. Everyone in the Sheriff's Department is a first responder and has some capacity to contribute to Emergency Services. He asked Captain Ward if it was a good idea.

Captain Ward stated that he was not prepared to characterize whether or not it is a good idea; that is a decision for the commissioners to make, as they are well aware under chapter 401.

Commissioner Howard stated that he was personally advocating that it is a good idea.

Captain Ward stated that the Sheriff's Office is prepared to make it work and also able to continue in the current model, whichever the commissioners determine is best for the citizens of Union County. He is a technician in this regard, not a politician. It is a natural fit and many counties have Emergency Services under the Sheriff's Department. He thinks there may be some potential added efficiencies and perhaps improved communications, but they work with the current Emergency Services structure on a weekly basis now and often times on a daily basis. They have a good established working relationship with Emergency Services and are prepared to carry that forward if the commissioners see that as the best way to go. He drafted a memo to the Sheriff that shows a possible way to structure the move, which would result in the Emergency Manager reporting to the Captain of the Sheriff's Office. The very nature of Emergency Services is such that speed can be of the essence; we would want to structure that so that the Sheriff and the Commission would know sooner rather than later about developing events. He does not mean to imply that the current Emergency Services operation is inefficient; he is just speaking in the general sense regarding budgeting, billing, and time keeping. The Sheriff's Office has an established infrastructure of administrative and management support. The move may make the Emergency Manager's job a little easier and he may have more time for boots on the ground without the distraction of requisite administrative tasks. There are opportunities to streamline communication. The current Emergency Services Manager has done an excellent job and that is important in two ways in the context of this discussion; he does not require a lot of day to day management and he is a self-starter with tremendous energy, making it easy to place him under the Captain's span of control. The Captain already oversees the jail commander, road sergeants, and investigative sergeants; overseeing the Emergency Manager would be stretching it a little. However, due to the nature of the operation and the individual who is currently discharging that function, he has every confidence that the Sheriff's Office can administer that department on a day-to day basis.

Captain Ward stated that the distinction between some of the emergency services has the tendency to blur. Fires in the summer and blizzards in the winter are examples of that. The distinction is beginning to blur and they have to work very closely throughout the duration of those events with Emergency Services, various fire services, medical services, and law enforcement; that is a complex machine with a lot of moving parts. The Sheriff's Office feels that by having Emergency Services under their department they can facilitate the efficiency and speed of that communication, but that has not been a problem. Communications is a

critical piece of the Sheriff's work. There have been major changes in radio communication for Emergency Services throughout the nation. Being compressed on narrow band has created some real technical problems. We are not candidates to move to 800mH radio communication because we don't have the physical or financial ability to site as many towers as are needed. It became a major technical and financial challenge to figure out how our emergency services providers could communicate with each other and the dispatch center. JB Brock had the vision to see that challenge coming and had the ability to design and outbuild the radio backbone, which would create our ability to maintain that communication. The problem is that the radio propagation is nowhere near effective, so radios are reduced in range by half. The Mt. Emily tower would not have been adequate. Mr. Brock saw that problem developing and worked with radio technicians to design a buildout to create additional towers for better communication. More importantly, Mr. Brock pursued and secured \$2 million in Federal grant funding for the project. Having those capabilities folded under the Sheriff's auspice can further facilitate and encourage communication, not that it is broken now. If the commissioners choose to make the change, the transition could be seamless. The Sheriff's Department has a good working relationship with Mr. Brock. Captain Ward stated that Mr. Brock has other capabilities, including Search & Rescue management; he is superb at that. Captain Ward stated that he has personally been involved in Search & Rescue for 19 years and has had the opportunity to see many different search managers at work; Mr. Brock is one of the best he has ever seen. Selfishly, Captain Ward would like to see Mr. Brock in that capacity again.

Commissioner McClure stated that this subject was discussed at the last retreat, at which he made the point that Emergency Services is a responsibility of the commissioners. He is very concerned about transferring that to another elected official. The real issue is when there are emergencies, there are always funding questions. If you have an Emergency Services Manager that is directly connected to the Commission and to our budget, that expedites the process. If it is placed under another elected official, it creates another step in the process and creates an inefficiency. When you are in an emergency situation, you have to make decisions quickly. There is a protocol indicating who makes the decision and how it is made when two commissioners are gone during an emergency. To move it to Sheriff's Office would then move it away from what is needed during an emergency, which is a direct protocol to how we will respond. A lot of the responses are monetary; those would still remain the commission's responsibility. He strongly believes that Emergency Services should remain under the Board of Commissioners. He agrees with Captain Ward that it is done both ways in various counties.

Commissioner McClure hopes that the county is getting the relationship it needs between the Sheriff's Office and the Emergency Services Manager. He asked Captain Ward if he had a problem with that relationship. Captain Ward stated that he did not have a problem with the Emergency Services Manager and added that the Sheriff's Office has a good working relationship with Mr. Brock and would make the system work however the commissioners see fit.

Captain Ward stated that Commissioner McClure raised a good point. The Sheriff's Office took the liberty to draft a job description that allows and directs the Emergency Services Manager to jump that chain of command under emergency circumstances to communicate directly with the commission to allay that kind of concern. Another benefit to making the change is that the nature of Union County is that it is a fairly small shop; Emergency Services is basically one guy with a very able part-time assistant. He has seen Mr. Brock working 24 hours a day for the better part of a week on several instances; that is asking a lot of any human being. One of the things he could see that could perhaps help benefit both departments, in the final analysis for the citizens of Union County, is that this is a two-way street. If Emergency Services is under the Sheriff's Office, then the Sheriff's Office is also under Emergency Services. For example, a passer-through hits the big red panic button because they see water running over Rhinehart Road: we know that it is probably not necessary to get Mr. Brock out of bed at night to deal with that because it is an annual event and all the locals know it and know how to deal with it. In the same way, there may be some things that occur where the response is not to get Mr. Brock out of bed or call him on the weekend when a deputy can be sent out to scout, survey and decide if it really invokes the mandate of Emergency Services. We can augment the abilities of Emergency Services with our regular patrol application. Captain Ward stated that they wanted to make it clear that the Sheriff's Office is not trying to empire build, they are trying to build the best services they can for the citizens of Union County, partly being efficiencies. He thinks there is a potential of increased efficiencies, but they do not have a dog in the fight and will do whatever the commission decides.

Commissioner Beverage asked if making the move would affect grant funds. Captain Ward stated that he did not know and had not given it an in-depth inspection; it was placed on a reasonably fast-track and there are a lot of irons in the fire at any given time. Funding is big piece of this, but he is just looking at it operationally. He can say that operationally it would work.

Commissioner Beverage suggested that the commission further discuss this topic at the next work session.

Commissioner McClure agreed. He noted Captain Ward's comment that it was fast-tracked and stated that the commissioners need to take the time to look at it. If there is going to be a transfer, it should be done at the beginning of the next fiscal year. He looks at the way the county has been dealing with emergencies and thinks they're doing a good job. Public Works and Emergency Services have worked together when someone is snowed in that needs assistance. Everyone has to work together or it doesn't work at all.

Captain Ward stated that it had been very gratifying over the last several blizzards to see that Emergency Services and Public Works were extremely responsive; they go far above and beyond to make sure people are safe and have access to movement.

Commissioner Beverage stated that the commission would look into all aspects of the proposed change.

Commissioner Howard would like the work session in March to allow for the commissioners to take action on items. He suggested opening the session as an official session in the morning and then convening if needed after the work session. Mrs. Burgess stated that it would be included in the public notice.

Public Hearing – Ordinance 2017-01, Establishing Term Limits for Commissioners

Mrs. Burgess provided a staff report and stated that this ordinance was prepared by the county's legal counsel. It was called for in initiative 3189, which was passed by the voters in May 2016. The measure required that an ordinance be adopted to enact the approved ballot measure. Commissioner Howard waived the reading of the ordinance and requested it by title only. Mrs. Burgess read the ordinance by title only and stated that this would be the first reading and public hearing.

Commissioner McClure opened the public hearing on Ordinance 2017-01.

Term Limits Public Comment

George Mead, 57744 Foothill Road, La Grande, asked what term limits were being proposed. Commissioner McClure stated that the terms would be limited to two terms.

Mrs. Burgess read Ordinance 2017-01 in its entirety.

Mr. Mead stated that during the primary season, he built a chart showing how long commissioners served in Union County. Some served less than one term, and only three commissioners served longer than two terms. The most frequent term served was two terms. The ordinance is addressing the need to restrict commissioners to two terms, when history for many years shows that most commissioners only serve two terms. The ordinance is proposing to mandate what most of the time is true anyhow because of the voting results. He asked if this ordinance was really necessary to ensure that there is rapid turn-over in the position. The ordinance seems to be one of those nice guy things that people think are really neat, without knowing historical facts or anything about what they are talking about.

Commissioner McClure closed the public hearing.

Commissioner Howard moved approval of Ordinance 2017-01. Commissioner Beverage seconded. Motion carried unanimously.

Commissioner McClure recessed the meeting for a short break and called it back to order.

Consent Agenda

Commissioner Beverage moved approval of the Consent Agenda, which included Claims Journals from January 25, 26, 30, February 1 and 2. Commissioner Howard seconded. Motion carried unanimously.

Administrative Matters

Board of Commissioners Mission Statement

Mrs. Burgess presented a proposed mission statement, which was generated from discussions at the Board of Commissioners' retreat. The intent would be to post the final version on the website and in the Commissioners' meeting room.

Commissioner Howard suggested changes he would like to see in the mission statement. Commissioner Beverage felt the mission statement included what she would like to see. Mrs. Burgess stated that she would revise the mission statement as directed and present for the commissioners' consideration at a future meeting.

Baum Industrial Park – Amendment

Mrs. Burgess presented Amendment 1 to the grant agreement with Oregon Business Development Department for \$1,066,000 for infrastructure at Baum Industrial Park. The original agreement called for a completion date of June 30, 2017 and the county has requested an extension through December 2017; this amendment would make that change. **Commissioner Beverage moved approval. Commissioner Howard seconded.**

Commissioner Howard asked for the reason for delay and any associated costs. Mrs. Burgess stated that there were no associated costs and the delay was because the project was going to be sent to bid last year but because there was a pending business interested that would have affected the design, it did not go out to bid in 2016.

Roll Call on Amendment 1 to the grant agreement with the Oregon Business Development Department for Baum Industrial Park infrastructure improvements: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner, McClure, yes. Motion carried unanimously.

Baum Industrial Park – Construction Contract

Mrs. Burgess stated that the Commissioners approved the award of this bid to Warrington Construction in the amount of \$319,187 on December 21, 2017. It has been reviewed by the county's legal counsel.

Commissioner Howard moved approval of the Baum Industrial Park Construction Contract #69483 as presented. Commissioner Beverage seconded. Motion carried unanimously.

RFP Award Recommendation – Generator

Mrs. Burgess stated that the commissioners received a memo from Jason Fouts, the county's Information Technology Manager regarding the generator for the Joseph Annex building. The commissioners previously accepted a grant that was secured by the Emergency Services Department under the Homeland Security Program. The RFP was posted on the county website. Mr. Fouts also directly solicited proposals by researching local electrical contractors online to locate potential contractors that would be interested. Ten notices were sent to contractors; seven responded, but only one submitted a proposal: TMC General Contractor in the amount of \$49,900, which met all the terms required. The recommendation is to award the bid to TMC General Contractor.

Commissioner Beverage asked where this contractor was located. JB Brock, Emergency Services Manager, stated that it was a local contractor. Mrs. Burgess stated that they are certified and bonded.

Commissioner Howard asked where the other bids were. Mrs. Burgess stated that there were no other bids submitted.

Commissioner Beverage moved approval to award the bid for the generator project to TMC General Contractor.

Commissioner Howard asked if there was an urgency to complete the project. Mrs. Burgess stated that the grant funds for the project would expire in June 2017. Commissioner Howard asked if the project could be sent out to bid again.

Commissioner McClure stated that the question would be if an honest attempt was made to receive bids; if so, then he is fine with awarding the bid. Mrs. Burgess stated that Mr. Fouts went above the normal procedure by publishing notice and soliciting ten contractors. She stated that it could be that the majority of the bid is the purchase of the generator and there is not a lot of money to be made on the project for a contractor.

Commissioner McClure thought that soliciting ten contractors was a good number and notice was publicized.

Commissioner Howard was concerned that the project cost wasn't listed on the last page and costs were not broken out. Mrs. Burgess stated that the form as completed was a requirement of the bid. Commissioner Howard stated that he would like to see the original proposal document. He stated that the commission is making the assumption that there is not much profit to be made, but it would be interesting to see that.

Commissioner Howard stated that he would waive the rule of seconding a motion from the chair.

Commissioner McClure seconded the motion to award the bid for the generator project to TMC General Contractor.

Commissioner McClure stated that he was glad that there will be a generator for the Joseph Annex building.

Mrs. Burgess provided the original proposal document from TMC General Contractor, which included a copy of the generator and specific amounts. The proposal is good until April 10, 2017.

Roll call on the award of TMC General Contractor's bid for a generator: Commissioner Beverage, yes. Commissioner Howard, abstain. Commissioner McClure, yes. Motion carried.

Court Order 2017-14, Appointment to the Union County Fair Board

Mrs. Burgess stated that there was a need to appoint three members to the Union County Fair Board; a total of four applications were received.

Commissioner Howard suggested that since there was an abundance of qualified candidates that each commissioner appoint one member.

Commissioner McClure suggested that they could draw names from a hat. Commissioner Howard stated that he was open to that idea. Commissioner Beverage also agreed.

Commissioner McClure stated that the members do a lot of work and he admires them and what they do with a passion.

Commissioner McClure named Amy Simmons. Commissioner Beverage named Ricanna Halsey. Commissioner Howard named Lori Ritter.

Commissioner Howard moved approval of Court Order 2017-14. Commissioner Beverage seconded. Motion carried unanimously.

Resolution 2017-02, Financing Contract with OFA for Rappel Base Building

Mrs. Burgess stated that the commissioners previously authorized a loan application to fund the construction of the rappel base; this document would approve the contract. The contract has a maximum loan amount of \$4 million; there will be an amendment once the project is completed for the amount of money that is needed. She will draw down funds as they are needed for construction. The interest rate is 2.7%, which will only begin when funds are taken. The county's legal counsel has reviewed the contract; it will also require that he review the approval of the resolution. The loan will be repaid from the proceeds of the U.S. Forest Service (USFS) lease.

Commissioner Beverage asked if the lease had been signed. Mrs. Burgess stated that the county has signed the lease. The USFS has not signed the lease but has signed a letter of intent.

Commissioner Beverage asked for assurance that funds would not be drawn until the USFS has signed the contract; Mrs. Burgess stated that was correct.

Commissioner Beverage asked if there was wording in the contract stating that it would be amended at the end. Mrs. Burgess stated that there was.

Commissioner Beverage stated that if the county's counsel had reviewed it, then she would be fine with it.

Commissioner McClure felt that the interest rate was attractive. Mrs. Burgess stated that the loan was approved in December, which resulted in a lower interest rate than if it was approved in January.

Commissioner Howard moved approval of Resolution 2017-02. Commissioner Beverage seconded. Motion carried unanimously.

Next Meeting and Location

A work session regarding Buffalo Peak Golf Course is scheduled to take place at the Union City Hall on February 21 at 4:00 p.m.

The next regular commission meeting is scheduled to take place on Wednesday, March 15, 2017 at 9:00 a.m. in the Joseph Annex Building.

Adjournment

The meeting adjourned at 11:20 a.m.

Respectfully Submitted,

Lorcinda Johnston
Sr. Dept. Specialist II