

Board of Commissioners Meeting  
June 7, 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**

Road Dedication

Jade Grant, 62272 Evergreen Rd, La Grande was present to answer questions. Scott Hartell, Planning Director, stated that the Planning Commission approved Mr. and Mrs. Grant's request to divide their property into two equal pieces. Access to the property is from Evergreen Road, which is a substandard right-of-way. When properties are partitioned, an additional 10 feet is required; approving this request would fulfill that requirement.

**Commissioner Howard moved approval. Commissioner Beverage seconded.**

Commissioner Howard noted that the property was less than ten acres. Mr. Hartell stated that there was a partial road dedication, but it did not meet today's standards.

**Roll Call: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

**Elected Official, Department Head & Employee Comments**

Chip Rock Bids

Doug Wright, Public Works Director, stated that bids were requested for 1/2" – 1/4" chip rock to be used to chip seal Valley View Road and lower Palmer Junction Road. Bids were due May 24, 2017 at 2:00 p.m.; Rogers Asphalt's bid was rejected as it did not meet the deadline. The following bids were received by the deadline:

Royal Rock Co.	\$20.50/ton
R.D. Mac	\$13.00/ton

Mr. Wright recommended awarding the bid to R.D. Mac.

**Commissioner Beverage made a motion to award the chip rock bid to R.D. Mac at \$13.00/ton. Commissioner Howard seconded.**

Commissioner Howard asked if Rogers Asphalt expressed any grievances. Mr. Wright stated that Rogers' bid did not meet the deadline. Commissioner Howard asked if Rogers' bid was lower; Mr. Wright stated that Rogers' bid was lower at \$11.50/ton. Mr. Wright stated that it was a shame that they missed the deadline, but the requirements were listed in the contract. Commissioner McClure stated that the county could not have fairly made a variance for Rogers Asphalt.

**Roll Call: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

Intergovernmental Agreements for Juvenile Services #148553 and #147922

Val Schlichting, District Attorney Office Manager, stated that these agreements were a continuation of agreements with the Department of Human Services for dependency work. Agreement #148553 provides reimbursement money to the county for work by attorneys and support staff; Agreement #147922 is for attorney work only.

Commissioner Beverage asked about the length of the contract; Ms. Schlichting stated that contracts are generally for two years.

**Commissioner Howard made a motion to consolidate the approval of Agreement #148553 and Agreement #147922. Commissioner Beverage seconded.**

Commissioner Howard stated that the agreements looked like technical amendments and not new contracts; Ms. Schlichting agreed that was correct.

Commissioner Howard asked if contract changes would create a change in staff workload; Ms. Schlichting indicated that there was no change.

Shelley Burgess, Administrative Officer, stated that the agreements presented were contract extensions. The current agreements to be amended were for the last biennium that expires June 30, 2017. These amendments will extend the same agreement for the new biennium.

**Roll Call: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

Social Media Policy

Jason Fouts, Information Services Manager, stated that there was a desire to take advantage of social media to provide information to residents. 65% of Union County residents are currently active on social media; by comparison only 15% of residents subscribe to the local newspaper and less than 2% visit the county website on a regular basis. The proposed policy sets forth guidelines for this new method of communication and discusses segregation practices between personal and professional use, procedures for implementing a social media presence, conduct and content, records retention, and disclaimers.

Commissioner McClure stated that he did not think the county could place conditions on what employees do on their own time and would like to seek a legal opinion.

Mr. Fouts stated that the intention is not to govern employees' personal use, but to provide guidance to county employees who comment on county business so that a statement would indicate that their personal opinion may not reflect the opinions of the county. The oversight and enforcement applies to professional use only.

Commissioner McClure stated that he would like to seek a legal opinion on whether the county can provide guidance to employees in this way. The county needs to be careful that it is following the law and isn't placing restrictions on employees' rights to use social media.

Commissioner Howard stated that it is a great suggestion to have the policy vetted by county counsel.

Mrs. Burgess stated that there may be a purpose for the referenced language. The policy is designed to clarify personal posts and professional posts so that it is not perceived that an employee is speaking as the county. Commissioner McClure stated that he wanted to make sure that the county has authority to do that. Commissioner Howard agreed with Commissioner McClure. Commissioner Beverage concurred and added that she thought it would be good for employees to indicate that they are not representing the county. She appreciated the efforts to create a policy because social media is a big part of communication.

#### Law Enforcement Agreements

Sheriff Boyd Rasmussen stated that new contracts were signed by the City of Island City and the La Grande School District. The contract with LGSD would allow for a COLA increase and step increase during the next three years.

Commissioner McClure stated that he hears a lot of positive comments about the Deputy that serves in the schools. Sheriff Rasmussen agreed that Deputy Bowen has done a tremendous job. Commissioner McClure stated that the kids and administration relate to Deputy Bowen; it is important that there is a law enforcement presence that they are comfortable with. Sheriff Rasmussen stated that it breaks down barriers and helps them solve cases. Commissioner McClure complimented the Deputies in those positions and serving the programs; they are doing a good job and it is more than just enforcement.

Commissioner Howard asked if the Island City contract had been reviewed by county counsel; Sheriff Rasmussen stated that it had been reviewed and there may be some follow up, such as the roll over from year to year. Sheriff Rasmussen stated that the county is trying to bring amounts paid by cities closer together so that they are paying about the same amount for services.

Commissioner McClure noted that Walmart is in Island City and asked which officer picks up shoplifters – Island City Deputy or a road Deputy? Sheriff Rasmussen stated that there is no assigned Deputy for the City of Island City; they contract with a set number of hours so whichever Deputy is on duty responds to those calls.

Commissioner Howard stated that he heard 40% of call time was for shoplifting response at Walmart; Sheriff Rasmussen didn't think the number was quite that high, but noted that there was a significant increase because this Walmart has the top asset protection employee from Washington and Oregon. Sheriff Rasmussen stated that when time allows, offenders are taken to the jail facility and booked; he thinks that will slow down the number of cases from Walmart.

Commissioner Howard stated that the deployment of service to Walmart is vague in the contract and asked if that discussion would take place. Sheriff Rasmussen stated that Deputies go where they are called so if Walmart has more calls, then the county is obligated to

service them. He also added that Walmart has an in-house program that will curb that a little bit so those hours can be used for other things like school patrols and night patrols.

Commissioner McClure stated that the commissioners signed an agreement for more jail beds in Grant County and asked why the Sheriff's Office isn't citing and releasing shoplifting offenders when jail beds are already limited. Sheriff Rasmussen stated that in this situation it makes sense; if jail beds are available, those offenders will be the first matrixed. He added that the experience of being jailed impacts them and curbs behavior; some will not be jailed when beds are full, but it is important for them to understand that their offense is serious.

Commissioner McClure stated that it should be judicious considering limited jail space. It makes sense to jail them if they were charged with assault, but shoplifting is like a speeding ticket and they are not taken to jail. He stated that the Sheriff needs to be careful that it doesn't cause a problem with jail space.

Sheriff Rasmussen stated that they are not putting the community at risk and there are times that shoplifters are cited and released, but if the Deputy has time and jail space is available, then the shoplifter will go to jail. The offenders talk about that experience; citing and releasing was sending the wrong message. A few trips to jail in combination with the Walmart program will drop shoplifting activity. Commissioner Beverage agreed that it could be a deterrent as long as jail space is available.

Commissioner McClure stated that he understood but didn't want to rent a jail bed in John Day because of shoplifting offenses. Walmart has a responsibility to prevent shoplifting and the county shouldn't run up the cost of jailing offenders because of shoplifters and limited beds.

Commissioner Howard stated that he would not say he is content about it, but Island City has reviewed the agreement and is fairly content with it despite being upset about the time spent responding to shoplifting at Walmart. When the county arrests someone instead of citing and releasing for non-assault crimes, it exacerbates people's problems. When shoplifters are jailed, we are often taking people who are already financially burdened, living in poverty or difficult circumstances and making it worse. Shoplifting often occurs for reasons of surviving; that is a concern he has in general. He requested information on arrest rates and cite rates for shoplifting at Walmart over the last year and the impact the new policy will have over the next year in terms of people being released and being cited. He thought it would be useful to track those rates quarterly.

Commissioner McClure stated that he had heard some complaints about the amount of time the Deputies spend at Walmart responding to shoplifters. Sheriff Rasmussen agreed that it was a legitimate argument and stated that the low level shoplifting offenses are handled in-house by Walmart. If the Sheriff's Department is called to respond, then it is a second offense or higher dollar offense and the offender is charged with both crimes.

Law Enforcement Contract with the La Grande School District

**Commissioner Beverage moved approval of the law enforcement contract with the City of Island City and the La Grande School District. Commissioner Howard requested to address the law enforcement contracts separately. Commissioner Beverage amended**

**her motion to approve the law enforcement contract with the La Grande School District. Commissioner Howard seconded. Motion carried unanimously.**

Law Enforcement Contract with the City of Island City

**Commissioner Beverage moved approval of the law enforcement contract with the City of Island City. Commissioner Howard seconded the motion for purposes of discussion.**

Commissioner Howard stated that he was hesitant to vote in favor of the contract, but had a high regard for the Sheriff's Office and would vote for it based upon the full record of discussion.

Commissioner McClure concurred with Commissioner Howard; there was lengthy discussion about it and he knows the Sheriff keeps it in mind, but it needs to be limited in scope. Sheriff Rasmussen agreed and added that it would be monitored closely.

**Roll call on approving the law enforcement agreement with the City of Island City: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

Intergovernmental Agreement with Grant County

Sheriff Rasmussen stated that this contract is to house inmates at the Grant County Jail at a rate of \$45 per day. It was originally established because Umatilla and Baker Counties were running out of beds and Union County needed another option. Transportation to Grant County doesn't cost as much as other counties because it is already scheduled both directions on Wednesdays; sentencing and court appearances are scheduled accordingly. Grant County also has lower daily rates than other counties.

Commissioner Beverage asked if this contract helps them to be flexible to do what is best for the situation. Sheriff Rasmussen stated that they find the most economical solution first. Sheriff Rasmussen stated that his jail staff does an outstanding job organizing transports and the court staff helps coordinate them. Commissioner McClure asked if they try to keep people that are charged here so they can have access to their attorney in La Grande; Sheriff Rasmussen stated that was correct and added that those that are sentenced are sent to another jail.

Commissioner Howard asked Sheriff Rasmussen if he could say that he would never send an inmate to another county pre-conviction. Sheriff Rasmussen stated that he could not say that definitively, but could not think of a situation where he would send a non-sentenced inmate to another county. Sheriff Rasmussen stated that they probably have in the past, but made arrangements to transport them back to Union County for hearings.

**Commissioner Beverage moved approval of the IGA with Grant County. Commissioner Howard seconded for purposes of discussion.**

**Roll call: Commissioner Beverage, yes. Commissioner Howard, no. Commissioner McClure, yes. Motion carried.**

Airbnb Property / TRT taxes

Commissioner Beverage stated that Airbnb is a site that helps homeowners rent out rooms on a short-term basis. There are five or six Airbnb rentals in Union County and they are not collecting or paying TRT tax. Many other counties are establishing ordinances that require Airbnb rentals to collect the same tax as hotels/motels; that is revenue that the county should be capturing. It is a disadvantage to hotels/motels when other rental owners do not charge those taxes. She proposed to direct staff to draft an ordinance that would require taxes on Airbnb rentals and add it to the existing TRT ordinance.

Airbnb Public Comment

Bob Kavanaugh, 1210 Adams Avenue, agreed with taxing Airbnb rentals. He stated that he also uses Airbnb when he travels and supports and encourages the taxing of Airbnb rentals 100%. Not charging TRT is a disadvantage to businesses that do.

Commissioners Discussion

Commissioner Howard would like to hear input from Airbnb rental owners before considering an ordinance.

Commissioner Beverage asked if the county asked hotel/motel owners before taxing them. Commissioner McClure stated that they did; some said yes and some said no and it was a heated campaign.

Commissioner Howard stated that earlier they were talking about representation for people who may be shipped off to Grant County and he will fight for that and would like to remember that there is "no taxation without representation." Commissioner McClure stated that Commissioner Howard is a representative; they voted for him and are being represented by an elected official. Commissioner Howard reiterated that he wants to hear from Airbnb owners and if they are not privy to this conversation, then he would never support it.

Commissioner McClure suggested that the ordinance be drafted and scheduled for a public hearing; Airbnb rental owners can be identified and sent notices of the hearing. Commissioner Howard suggested that the rental owners participate in developing the language; it would create better buy-in and participation. Commissioner McClure stated that the rental owners could be identified and invited to participate. Commissioner Beverage stated that she assumed it would be a public process; this is a discussion about whether or not the other commissioners support the idea.

Airbnb Public Comment

Mr. Kavanaugh stated that from the Chamber's perspective, TRT dollars promote Airbnb business; they are benefitting from it but not contributing.

Commissioners Discussion

Commissioner McClure stated that if no one participates after notices are distributed, then it is not the county's fault. Commissioner Howard agreed.

Shelley Burgess, Administrative Officer, stated that the county's TRT tax is tied with the City of La Grande for businesses that are within the city limit; the City collects tax from those

businesses and then transfers 3% to the county. The county collects the tax directly from businesses outside city limits. She asked if the commissioners intended to include Airbnb rentals that are within the City of La Grande. Commissioner McClure thought it would be a good idea to consult with the City Manager. Commissioner Howard thought it would matter in terms of equity and fairness if businesses within city limits were not taxed the same.

There was a consensus to continue the discussion.

### **Consent Agenda**

**Commissioner Howard moved approval of the consent agenda, which included Claims Journals from May 1, 10, 11, 17, 25, and June 1; and Board of Commissioners Meeting Minutes from March 15, 2017. Commissioner Beverage seconded. Motion carried unanimously.**

### **Administrative Matters**

#### **Community Dispute Resolution Grant**

Shelley Burgess, Administrative Officer, stated that in an earlier meeting the commissioners adopted a resolution to participate in this program; a request for proposals was released resulting in only one proposal, which was submitted by Eastern Oregon Mediation Center. University of Oregon reviewed the proposal to verify qualifications and suggested that the county could select the applicant as the grant recipient for 2017-19 for a grant in the amount of \$50,000. The applicant is the current mediation provider.

**Commissioner Howard moved approval. Commissioner Beverage seconded.**

Commissioner McClure noted that there was only one applicant. Mrs. Burgess stated that it was not unusual to have only one applicant given the requirements to be a grant recipient and added that the opportunity is opened every two years.

**Roll Call: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

#### **5310 Grant Agreement #32220**

Mrs. Burgess stated that this agreement is between Union County and Oregon Department of Transportation and would be effective July 1, 2017 through June 30, 2019. This provides funding for public transportation primarily for seniors and individuals with disabilities and also supports transportation for the general public. Union County enters into a subrecipient agreement with Community Connection who provides the transportation services. **Commissioner Howard moved approval of Agreement #32220. Commissioner Beverage seconded. Motion carried unanimously.**

#### **Court Order 2017-19, Appointment to the Buffalo Peak Golf Course (BPGC) Advisory Committee**

Mrs. Burgess stated that at the last meeting the commissioners passed a motion to appoint members to this advisory committee; this court order lists those names and expiration dates and provides room for additional members.

Commissioner Beverage directed Mrs. Burgess to add Alex Duffy and Ken Shelton to the BPGC advisory committee.

Mrs. Burgess read member names and expiration dates as follows:

Karen Phelps, December 31, 2018  
Tim Jederberg, December 31, 2018  
Ralph Patterson, December 31, 2018  
Alex Duffy, December 31, 2018  
Jeff Oveson, December 31, 2019  
Harry Bigler, December 31, 2019  
Greg Mills, December 31, 2019  
Ken Shelton, December 31, 2019  
Peter Wordelman, December 31, 2020  
John Chambers December 31, 2020

**Commissioner Beverage moved approval of Court Order 2017-19. Commissioner Howard seconded.**

Commissioner Howard noted that there was only one woman serving on the committee.

Commissioner McClure asked who would staff the BPGC advisory committee meetings; Mrs. Burgess stated that she would help in the beginning and then would turn it over to Annette who currently works on other golf course assignments.

Commissioner Howard thought that all three commissioners should attend meetings initially.

Commissioner McClure suggested that the first meeting take place in July or later.

Commissioner Howard hoped that the committee would use the MERA advisory committee as a model.

**Roll Call on Court Order 2017-19: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

**Next Meeting Date and Location**

The next meeting is scheduled to take place on June 21, 2017 at the Joseph Annex Building.

**Adjournment**

The meeting adjourned at 10:00 a.m.

Respectfully Submitted,

Lorcinda Johnston  
Sr. Dept. Specialist II