

Union County Board of Commissioners  
April 18, 2018

Present: Commissioner Steve McClure  
Commissioner Jack Howard  
Commissioner Donna Beverage

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

**Public Comments**

Second Amendment Public Comment

Larry Cribbs, 10202 S. Grandview, Island City, stated that he supports the constitution as it is written. For many decades, people have taken an oath to protect the constitution and paid the ultimate price to do so. People that are screaming for change are asking others to give up rights that have already fought and died for. He asked the Commissioners to take action against any threat against the Constitution, specifically the Second Amendment.

Elgin Subdivision

Jeff Hsu, of Baggett, Griffith and Blackman, 2006 Adams Avenue, La Grande, requested approval of a proposed subdivision north of Elgin.

**Commissioner McClure moved approval of the Elgin Subdivision. Commissioner Howard seconded.**

Commissioner McClure stated that the subdivision's 18 units are needed in the county and he is excited to see its development.

Commissioner Beverage also expressed her excitement about the development.

**Roll Call on approving the Elgin Subdivision: Commissioner Howard, yes. Commissioner McClure, yes. Commissioner Beverage, yes. Motion carried unanimously.**

County Assessment Function Funding Assistance (CAFFA) Grant

Cody Vavra, Assessor/Tax Collector, stated that the CAFFA grant provides funding assistance to the County for property assessment and taxation. It is generated from recording fees and delinquent property tax interest. This year's application is similar to the previous year.

Commissioner Howard requested an update regarding GIS services. Shelley Burgess, Administrative Officer, stated that more GIS services were being provided within the County than in the past; the County's IT Department currently has more expertise in the field, but Anderson Perry & Associates will continue to be available.

**Commissioner McClure moved approval of the CAFFA grant application. Commissioner Howard seconded. Motion carried unanimously.**

Wolf Creek Dock Bid

Sean Chambers, Parks Coordinator, stated that the Wolf Creek dock replacement project had been sent out to bid, resulting in bid costs that were too high. It was sent out to bid a second time; only one bid was received, which was over budget and more than the prior bid. Mr.

Chambers recommend rejecting the bid and continuing work with the Marine Board for an alternative.

Commissioner McClure asked about the amount of grant funding available for the project from the Marine Board; Mr. Chambers stated that the grant was \$40,000. Commissioner McClure asked if the County would need to make up for the shortfall if the bid was accepted. Mr. Chambers stated that was correct as there is no other funding available for the project. Commissioner McClure asked if some thought was given to redesigning the dock. Mr. Chambers stated that it had been redesigned, but it didn't change the bid much.

**Commissioner McClure made a motion to reject the Wolf Creek Dock bid and to instruct staff to continue working on the project with the Marine Board. Commissioner Howard seconded. Motion carried unanimously.**

#### Airport Update

Doug Wright, Public Works Director, stated that he would like to waive his rights for attorney-client privilege on a document provided by legal counsel to allow an open conversation.

Commissioner Howard stated that the Board of Commissioners holds the right to waive that right and added that he had no objections to it.

**Commissioner McClure made a motion to waive the County's right to attorney-client privilege for the purposes of discussion about Airport updates. Commissioner Howard seconded.**

Mr. Wright cited a legal opinion from County Counsel, Wyatt Baum, that read as follows: this legal opinion constitutes an attorney-client communication and as such is a record exempt from public inspection pursuant to ORS 192.502(9) to the extent that it is discussed during a public meeting. That discussion should occur in an executive session pursuant to ORS 192.660(2)(f). However, this attorney-client privilege exemption may be waived by the Union County Public Works Director.

**Roll call on waiving the County's right to attorney-client privilege for the purposes of discussion about Airport updates: Commissioner Howard, yes. Commissioner McClure. Commissioner Beverage. Motion carried unanimously.**

Mr. Wright stated that County Counsel, Wyatt Baum, reviewed the Airport Master Plan in relation to concerns about relocating the Blue Mountain Hangars and related economic development funding sources. As described in the Airport Master Plan, FAA will not participate in funding because they do not participate in economic development funding of airports. The relocation of the hangars is looked upon as redevelopment and economic development.

Commissioner McClure stated that the FAA would not pay for it if it is strictly for economic development. Mr. Wright stated that it is clearly stated in the Master Plan; the north area is designated for an optional area for helicopters so that they are not infringing on the Blue Mountain Hangars.

Mr. Wright stated that County Counsel suggested that the County enter into a Memorandum of Understanding (MOU) with Blue Mountain Hangars. It would legally bind the County to negotiate with Blue Mountain Hangars if relocation is planned, providing the hangar owners assurances that the County is committed even with a change of Commissioners and staff. Mr. Wright stated that a MOU was drafted and submitted to Craig Dixson of Blue Mountain Hangars.

Commissioner McClure would like the MOU to show that the County would accept responsibility to pay for the relocation of hangars if it happens.

Commissioner Howard concurred with Commissioner McClure. He was not sure about adopting the draft agreement with remaining questions about the hangars' valuation and the process to develop its value. He was cautious about saying the County would pay for the relocation cost if it could potentially be a promise to pay more or less than the value of hangar.

Commissioner Beverage stated that if the USFS's needs would affect the current location of hangars then she would support negotiating with them for the cost of relocating the hangars.

Mr. Wright stated that the USFS does not currently want that space. He added that when the plan is updated, this issue should be the County's top priority so that Blue Mountain Hangars has assurances.

Commissioner McClure stated that the hangars may never move, but he would like to have a reasonable agreement with the owners so that they have assurances from the County. Mr. Wright stated that the draft MOU would fit that need. Commissioner McClure liked the proposed MOU.

Steve Joseph, attorney for the owners of the Blue Mt. Hangars, stated that the current draft MOU is inadequate and does not protect the hangar owners or the County. His client is agitated and if the Master Plan is adopted with its current language, it constitutes an inverse condemnation taking. The County needs to recognize its continuing responsibilities and legal commitment under the current lease. He offered assistance in drafting an agreement between the two parties.

Commissioner Howard stated that he had no interest in adopting the MOU at the current meeting because it is a preliminary step; the building's valuation and County's commitment may change as the development unfolds.

Commissioner McClure stated that it is not the County's intention to send the Master Plan back for revision. They are considering an addendum to the plan that is independent and covers the needs of the hangar owners. Time is of the essence in completing the Master Plan and he is not willing to wait six months for the hangar issues to be resolved.

Mr. Joseph stated that a separate agreement as described by Commissioner McClure would meet the hangar owners' objectives. If the Master Plan is adopted without some queuing of an agreement and remains unresolved by the County with no binding agreements or recognition of the lease terms, it will create a problem. He stated that from a legal perspective, the agreement should be in place before adopting the Master Plan.

Mr. Wright stated that the Master Plan has been in process for three years. If it is not approved, projects at the airport that benefit all users could be in jeopardy.

Commissioner Howard stated that the agreement with the Blue Mt. Hangars would be a separate action from approving the Master Plan. He would vote to approve the Master Plan without any suggestion of a separate agreement. He does not see the agreement as an addendum to the Master Plan. It is time sensitive and has to stand on its own without estoppel.

Commissioner Beverage stated that she wanted the agreement with the hangar owners negotiated so that they are protected. She suggested placing it on the next agenda.

Sara Lucas, WH Pacific, agreed that it would be inappropriate to include an agreement with the hangar owners in the Master Plan.

Commissioner Beverage asked Mr. Wright if waiting two weeks to approve the Master Plan would cause a problem. Mr. Wright stated that it could potentially cause problems because the FAA staff member that has been working to push it through is leaving the area.

Commissioner Howard stated that delaying the vote to complete an agreement with the hangar owners would introduce uncertainty. It is inappropriate to tie them together as they are not related.

Commissioner Beverage agreed that the two documents were separate issues.

Commissioner Beverage stated that if she votes to approve the Master Plan, it is with the understanding that an agreement will be made with the hangar owners.

Commissioner Howard stated that the issue being discussed is the adoption of the Master Plan, not an agreement with the hangar owners.

Commissioner Beverage stated that she wanted the hangar owners to be taken care of and would like to see language in an agreement with those assurances.

Commissioner McClure stated that the Master Plan and an agreement with hangar owners are two separate issues. This is a two step process that includes considering the approval of the Master Plan and then considering a motion to enter negotiations with the hangar owners.

Commissioner Howard concurred with Commissioner McClure. He asked if the Commissioners would need to discuss a timeline for an agreement with the hangar owners. Commissioner McClure stated that he would like to see a commitment made right away.

Mr. Wright stated that the agreement with the hangar owners is a first draft that would be submitted to the hangar owners for their input and possible negotiations.

Shelley Burgess, Administrative Officer, stated that the Commissioners could direct staff to continue working with counsel for an agreement with hangar owners and to provide an update at the next meeting.

Commissioner McClure stated that he would like a clear statement from the Commission showing that they are committed to the financial responsibility of the hangar relocation if it happens.

Commissioner Howard stated that his vote to approve the Master Plan would be backed by his promise that the Commissioners are deeply committed and support personal property rights.

Commissioner McClure stated that there needs to be a statement that it is the County's intent to address the concerns about the hangars. The value of the hangars may change over time and the agreement should reflect that.

Following additional discussion, Commissioner Beverage directed staff (Doug Wright) to continuing working with legal counsel to negotiate an agreement with the Blue Mt. Hangar owners.

Vehicle Bid Award

Boyd Rasmussen, Union County Sheriff, submitted a bid summary to lease a four-wheel drive sport utility vehicle. Four bids were received:

	<u>Cost</u>	<u>Total Lease Cost</u>	<u>Monthly/Annual Payment</u>
Hubbard Chevrolet	\$36,443.00	Not included	\$1,099.34
Legacy Ford	\$39,972.87	\$44,558.64	\$1,237.74
Legacy Jeep/Dodge	\$29,167.00	\$36,309.24	\$6,631.05/annual
MJ Goss	\$37,872.32	\$41,099.04	\$1,141.64

Sheriff Rasmussen stated that Legacy Ford and Legacy Jeep/Dodge did not meet requested specifications. He recommended awarding the bid to Hubbard Chevrolet as it was the apparent low bid.

Commissioner McClure asked if Hubbard Chevrolet would assess a delivery charge. Sheriff Rasmussen stated that they would not.

Mrs. Burgess stated that there was a desire to purchase locally, but there would be an additional transportation cost to send the vehicle out of the area to be up fitted for law enforcement. Therefore there doesn't seem to be an allowable reason not to accept the low bid.

**Commissioner McClure made a motion to award the vehicle bid to Hubbard Chevrolet for \$36,309.24. Commissioner Howard seconded. Motion carried unanimously.**

**Commissioner Howard made a motion to amend the agenda by removing item 4a. Commissioner McClure seconded. Motion carried unanimously.**

**Public Hearing: First Reading of Ordinance 2018-01, Regulating Burning Outside City Limits**

Commissioner Beverage opened the public hearing.

JB Brock, Emergency Services Manager, stated that the proposed ordinance is a minor update to the current ordinance in place. Upon review by the District Attorney and County counsel, it

was determined that some language updates regarding enforcement were needed. Also, the Fire Defense Board requested to add pellet barbecues as an exempted device in the burn ban.

Commissioner Howard asked if the update constituted an emergency; Mr. Brock stated that it did not.

There were no public comments offered and Commissioner Beverage closed the public hearing.

**Commissioner McClure moved approval of Ordinance 2018-01. Commissioner Howard seconded.**

Commissioner McClure stated that this ordinance update was needed to clean up the language and was a minor change from the current ordinance in place.

**Roll Call on Ordinance 2018-01: Commissioner Howard, yes. Commissioner McClure, yes. Commissioner Beverage, yes. Motion carried unanimously.**

The second reading of Ordinance 2018-01 was scheduled for May 2, 2018 at 10:15 a.m.

#### Wolf Depredation Grant

Mrs. Burgess stated that the Wolf Depredation Advisory Committee met and made a recommendation to accept a grant award from the Oregon Department of Agriculture (ODA) for \$8,825. The amount offered was less than requested; if ODA receives more Federal funding, Union County will be eligible for more funds as well.

**Commissioner Howard made a motion to accept the \$8,825 Wolf Depredation Grant from ODA. Commissioner McClure seconded. Motion carried unanimously.**

Commissioner Beverage recessed the meeting until 10:15 a.m.

#### Public Hearing: Second Reading of Ordinance 2018-02, Adopting Updates to the La Grande/Union County Airport Master Plan

Commissioner Beverage opened the public hearing.

Craig Dixon, 2002 Jupiter Lane, La Grande, stated that the Airport Master Plan does not deal with general aviation well. The area shown in the plan for relocation of the Blue Mountain Hangars is inadequate. The hangar owners are happy where they are and do not want to be relocated. He stated that he appreciates the Commissioners' commitment to work with the hangars owners in drafting an agreement; if the hangars are relocated, it should be at no cost to the owners. He stated that the owners have offered to work with the County in drafting an agreement, but have not been allowed to participate. He hopes that the new location is buildable and acceptable to everyone.

No additional testimony was offered and Commissioner Beverage closed the public hearing.

**Commissioner McClure moved approval of the Airport Master Plan. Commissioner Howard seconded.**

Commissioner McClure stated that the advisory committee included participants representing general aviation; he was sorry that Mr. Dixon's comments were not a part of that process. There is no time to revise the plan and it needs to move forward. He explained that there are no water/sewer services on some of the airport property, which determined where new buildings could be constructed in this plan. He apologized to Mr. Dixon for not having his input sooner as it would have been helpful. He stated that the Commissioners have sent a clear statement that the County would take responsibility if the hangars must be moved.

**Roll Call on Adopting the updated La Grande/Union County Airport Master Plan: Commissioner Howard, yes. Commissioner McClure, yes. Commissioner Beverage, yes. Motion carried unanimously.**

Commissioner Howard thanked Commissioner McClure for his efforts at the airport. It is a legacy that contributes to economic development. He stated that he was proud to work with Commissioner McClure on this project.

Commissioner Beverage stated that this was a big project for Commissioner McClure and Doug Wright and she was happy to see it completed.

Shelley Burgess, Administrative Officer, read Ordinance 2018-02 in its entirety.

### **Ballot Referral Request, Second Amendment Ordinance**

#### **Second Amendment Public Comment**

Ken Wisdom stated that the right to bear arms is in serious jeopardy. Initiative Petition 43 will require citizens to register, surrender, or destroy firearms on different criteria, such as magazine capacity. Initiative Petition 44 will require that all firearms be equipped with trigger locks or storage and tamper proof safes. It will also hold gun owner legally responsible if their firearms are stolen or otherwise obtained and used in criminal acts. Both initiatives pose the greatest threat to the Second Amendment ever witnessed. 43 will result in a wide scale confiscation of firearms and 44 will greatly reduce citizens' ability to defend themselves and families when time is of the essence. The Second Amendment stated that rights are retained by the people and protected by the Constitution of the United States and the Constitution of Oregon as follows: a well-regulated militia being necessary to the security of the free state and right of the people to keep and bear arms shall not be infringed. The Ninth Amendment was created by our nation's founding father because they believe that rights belong to the people; even if a right is not specifically mentioned in the Constitution, it still belongs to the people, such as privacy. The Tenth amendment says that any power that is not given to the federal government is given to the people. Article 1(33) of the Constitution of Oregon stated that the enumeration of rights and privileges shall not be construed to impair or deny others retained by the people; this section protects ancillary firearms, rights that are closely related to keeping and bearing arms protected by Article 1(27). Mr. Wisdom requested the Commissioners to place the Second Amendment Preservation Ordinance on the ballot to allow voters the opportunity to decide on gun laws in Oregon.

Commissioner McClure asked if Initiative Petition 43 was being circulated for the November ballot. Mr. Wisdom stated that signatures are being gathered and has been presented to the Secretary of State.

Second Amendment Public Comment

Nola Asher, 1607 Bonneville Lane, La Grande, stated that other Oregon counties have passed resolutions opposing 43 and 44, and have referred it to their citizens for a vote.

Second Amendment Public Comment

Gene Irwin, 1202 C Avenue, La Grande, stated that the County could have its own ordinance against the proposed gun law changes. The Sheriff can choose to enforce any state law and Union County needs that protection. He would like to see protection to defend citizens' rights.

Second Amendment Public Comment

Daniel Jacobs, 210 Oak Street, La Grande, stated that he is from Romania and did not have rights similar to those in the Second Amendment in his country. There are only three countries left in the world that have the right to bear arms: USA, Mexico, and Guatemala. He encouraged the Commissioners to protect that right.

Second Amendment Public Comment

Phil Gillette, 3201 N. Fourth Street, La Grande, stated that he is a disabled veteran. He served to support the Second Amendment. When laws begin to take away rights, more will follow. Now is the time to stand up and protect them. He loves to hunt and sells sporting goods. If 43 passes, two-thirds of goods sold at his store will be banned. Possession of general hunting rifles will no longer be legal. If this is allowed, it will open the door for more restrictions. Outdoor recreation contributes to local tourism. 43 and 44 must be stopped.

Second Amendment Public Comment

Walt Ding, 1309 N. Cherry, La Grande, stated that he is a Vietnam veteran. The Second Amendment Preservation Ordinance was read and accepted by a judge to be Constitutionally legal. If this doesn't get on the ballot, then voters will miss the opportunity to vote on the issue.

Commissioner Discussion

Commissioner McClure asked if the intent was to place the ordinance on the ballot. Commissioner Beverage stated that the request was to place it on the ballot in Union County.

Commissioner McClure stated that he would like to have the County's legal counsel review the document. It is more useful to have the community's position clearly stated in a vote. The filing deadline is August 27 to have it placed on the November ballot so there is time to seek a legal opinion.

Commissioner Howard stated that he generally agrees with placing issues on the ballot for voters to decide and there is a sacred obligation to refer matters to voters when properly asked. When the marijuana-related initiatives passed on the State level, it should have also been available for voters to decide locally. The Constitution is on the side of those who provided testimony in support of the Second Amendment, but it is not the direction this country is going. There are some things in the proposed document that could open the County to liability and he would be more happy with it if it incorporated legal points. He cautioned that creating rights is a dangerous path, even with good intentions, when it could result in hurting someone else. He encouraged the public to engage people with opposing views in drafting a proposal. He stated that he would probably vote to refer it to the voters.



Commissioner Beverage stated that she believes in the Constitution and Second Amendment. She would like review by County Counsel before further consideration. She stated that she supported referring the issue to the voters.

Mr. Wisdom stated that there are four other counties that have passed the ordinance. In regards to language, it changes based on interpretation from attorneys.

Commissioner Beverage asked Mr. Wisdom if he had talked with law enforcement regarding the issue. Mr. Wisdom stated that Sheriff Rasmussen backed the resolution 100%.

Mr. Wisdom stated that if the Commissioners do not plan to place it on ballot, he would like time to file it as a citizen.

Commissioner Beverage stated there was a consensus to place it on the ballot and added that the Commissioners will have until August to do so. Mr. Wisdom stated that he does not have that much time to file as a citizen and needs to know sooner.

Commissioner Howard stated that it would be a good idea for the County to follow Counsel's advice regardless of how other counties have responded. The public cannot expect the County to pass an ordinance that is deemed illegal by its legal counsel. He would like to see it referred to the voters if it is legal.

Mr. Wisdom stated that rights should be protected and added that he would make appropriate changes to the documents.

#### **Executive Session**

Commissioner Beverage recessed the meeting for an executive session under ORS 192.660(2)(d) and called it back to order.

#### **Next Meeting and Location**

The next regular Commission meeting is scheduled to take place at the Joseph Annex Building on May 2, 2018 at 9:00 a.m.

#### **Adjournment**

Commissioner Beverage adjourned the meeting.

Respectfully Submitted,

Lorcinda Johnston  
Sr. Dept. Specialist II