

Board of Commissioners Meeting
February 20, 2013

Present: Commissioner Mark D. Davidson
Commissioner Steve McClure
Commissioner William D. Rosholt

Chairman Davidson opened the meeting with all three Commissioners present.

Public Comments

Stephan Donnell, 2505 East L Ave, La Grande, explained that he has been watching the news reports on the Sheriff and his position to not confiscate firearms if the Federal Government passed Legislation that would require him to do so. He feels the real issue is not whether the Sheriff is exceeding his authority. He is basing his stand on Section 27 of the Constitution. The government is not banning firearms they are banning some firearms based on certain characteristics. The question is whether the Federal Government can take a class of firearms that are mechanically identical and then say that some are allowed and others are not. He explained that in the Constitution it states which government officials including the Sheriff must exercise the duties as set by the Legislature.

Leo Castillo, 105 Fir St. La Grande, explained that he has a total of 1083 petition signatures in support of the 2nd Amendment Preservation Ordinance that he presented to the Commissioners. He is happy to see that much support for such a serious issue. Everyone that signed the petition knew the danger that the Country is in. Union County was going to be the first in the Nation to have a 2nd Amendment Preservation Ordinance but counties in North Carolina and Indiana already passed a similar Ordinance. Leo explained that he is before the Commissioners today because the people's rights are under attack. They are being ripped from the fabric of the nation. There are hundreds of Sheriffs nationwide that are opposed to gun restriction and confiscation. It is unconstitutional and violates the 2nd Amendment. Obama supported the UN Arms Trade Treaty. Under the UN Arms Trade Treaty the individuals do not have the right to bear arms. Obama has sat as Chairman of the UN Security Council which is the most powerful position on the UN. It is a foreign body which is a violation of Article 1 Section 9 Clause 7 of the United States Constitution. Obama promised the U.S. citizens that he would not sign the National Defense Authorization Act and he said he would Veto it if it came before him but he signed it. He has also impeded a criminal investigation by invoking executive privilege in the shipment of fully automatic weapons directly to Mexican drug lords in operation fast and furious. The Federal government is intoxicated with power and control and they want to restrict and take people's guns away. Leo stated that the citizens should not look for help from Washington D.C. and even Salem has introduced legislation that attempts to restrict the 2nd Amendment. He explained that people need to act locally, passionately, forcefully and with determination to stop this aggression on their liberty. He feels the County needs to give added strength to the position the

Sheriff has taken and pass the 2nd Amendment Preservation Ordinance for Union County.

Chris Hafer, Cove, OR, stated that he agrees with Leo's points. He feels it is a scary time to be an American. He would like an Ordinance to go through and not a Resolution. He doesn't think a Resolution has the teeth. He has respect for all three Commissioners. The second Amendment was made a long time ago but has every bit of bearing if not more today as it did then. He explained that there are drones over Oregon and it is just a matter of time before they use the drones for other things than finding cows in the waterways. The weapons they are trying to band are a lesser weapon than what they are buying for homeland security. He doesn't understand why the citizens can't have them if they can use them to protect the borders. The Union County Sheriff stepped up and said this is something he is not going to tolerate. He knows the District Attorney has expressed concern that it may cost the County with some unforeseen expenses. The 2nd Amendment law is already in place. He is asking the Commissioners to support the Sheriff and Union County by making it an Ordinance. He explained that he gets into politics not because he enjoys the repercussions of business life every day but he feels it is important. It will be a short time before those rights aren't there to fight for.

Sue Arnoldus from Healthy Start came to the Commissioners to discuss the new transition to the Early Learning Council that the Governor has proposed and is implementing. As of June 30th the Commission on Children and Families both local and state will disappear. The Governor has asked every region in Oregon to come up with an application for the HUB and as far as she knows Eastern is the only one in Union County that has expressed interest in possibly becoming a HUB. There are seven direct service programs being impacted in the immediate future. Transitional funds are being made available the first of March. There continues to be many unknowns in the transition process. She is suggesting that the County retain Vicky Brogoitti, Commission on Children and Families Director, past July 1st for a few months to help with the transition. Vicky has a broad knowledge of local programs as well as State reporting. Intermountain ESD and Umatilla/Morrow County Headstart have approached Union County and Union County Healthy Start to be a member on their HUB proposal. Union County Healthy Start currently works with Intermountain ESD and Umatilla/Morrow County Headstart is a provider of Healthy Start services in their region. If Union County doesn't soon have a HUB than she would like the Commission to give consent for Healthy Start to join with Umatilla/Morrow County Headstart and Intermountain ESD.

Fred Alexis, 64212 Mt. Glen Rd., explained that he moved to Union County seven years ago. Where he used to live they are having a Day of Resistance where they will have a few thousand people there in support of the second amendment. He is in agreement with everything that has been presented so far. He stated that as a

Veteran he is saddened with what is happening with the U.S. For people to ignore it is foolish.

Sherry Cadwell, 1090 East Ash, La Grande, explained that her and her husband agree with everything that was said by others. They both agree with the Ordinance as well.

Commissioner Davidson thanked the public for coming and giving the Commissioners their comments. He explained that the proposed Ordinance was sent to the District Attorney for review and comment.

Tim Thompson, District Attorney, explained that he provided the Commissioners with a report. He stated that the 2nd Amendment issues are extremely complex. The Oregon Constitution guarantees a right to bear arms for the defense of persons and the State. There have been three major cases that have interpreted those provisions in Oregon. All of them support limitations for public safety reasons on the right to bear arms. For example, felons and mentally ill are restricted in terms of access to firearms under both Oregon and Federal law as well as there are reasonable restrictions of time place and manner of possessing weapons. Those limitations have passed constitutionally. His suggestion to the Commissioners was that it is a complicated issue. There are many pitfalls in taking a position and incorporating a position that may run counter to the constitution and provisions by embodying them in an Ordinance. He thinks that the Commissioners are free to provide a Resolution to show their public support of the 2nd Amendment. The Ordinance would be uncertain in terms of the legal status of such a measure.

Commissioner McClure asked what the implications are if they pass an Ordinance. Tim explained that it subjects the County to civil liabilities and/or injunction which involves litigation to prohibit the enforcement of the law. He doesn't want the Commissioners to put something of questionable validity into an Ordinance.

Tim explained that the County cannot tell the State or the Federal government what to do. To his knowledge the limitations on magazine size and assault weapons ban all passed constitutional muster. There is nothing in the 2nd Amendment or Article 1 Section 27 that prohibits felons or the mentally ill from processing weapons and yet those are constitutionally valid. He explained that the language has to be looked at for the time and circumstances that it was drafted. The Right to Bear Arms in those days simply restricted the weapons that then existed. That is the way the courts have interpreted those provisions.

Tim Leventhal, 811 Division Ave. La Grande, stated that when the District Attorney talked about the time that the Constitution was written the other right to take into consideration with that is free speech. The people that wrote the constitution didn't

know that telephones and internet would be around either but there are not stipulations on those.

Commissioner Davidson stated that he appreciates everyone coming and commenting. There is no Ordinance or Resolution prepared for today. He explained that he has taken oath several times to support the United States and Oregon constitution. He tries to do so in the duties of his office. He tries to take what they do seriously. He owns guns and is a member of the National Rifle Association. He doesn't personally support bans of any of the guns that have been proposed but he does support the prohibitions on the mentally ill having guns. There are numerous situations where there needs to be restrictions on who has guns. They don't want to restrict the general populous from keeping and bearing arms. He also is not going to support an Ordinance that is outside of the authority of the Commission that he believes damages the integrity, reputation and the effectiveness of the Commission in carrying out their duties. Part of their duties are representing the views of this County and lobbying the federally elected representatives in an effective manner. He believes that if they pass laws that they know don't carry the force of law and are not enforceable it marginalizes the Commission's effectiveness and reduces the general populous' respect for law. He will not support that. He will support a Resolution. He knows that some people feels that isn't the document that carries enough force. He disagrees with that because it is the proper way of expressing an opinion. This is an opinion. The Commissioners don't have the authority to nullify State and Federal laws. If they did they would have tried to exercise that in manners that effect the economic future long before this. He explained that 48% of Union County is owned by the Federal government. Whether it is effectively managed and utilized for the County's economic benefit cuts to the core of the ability to make a living here and support ourselves and provide for our children. If the County had the kind of authority to nullify federal acts they would have used it to do something about effective management of the federal lands. As much as he would like to take some action that would change those issues. An Ordinance isn't going to bring them the effect they want. He explained that they are drafting a Resolution that will be considered at a future meeting. He believes that is the proper way to proceed. He will write letters to the Senators and the Congressional Representatives and speak about this issue with them personally when he sees them in Washington D.C. He believes that is the most effective way for the County to support the 2nd Amendment.

Commissioner Rosholt explained that as a firm believer of the constitution he feels that there is a process that needs to be followed and any attempt to circumvent that process would lessen the office of the County Commission. In taking the oath to uphold the U.S. and Oregon constitutions and considering the recommendation of legal counsel opinion, "there is no effective method that Union County can participate to clear and nullify by Ordinance all federal or state laws related to the constitutional provisions involving the right to bear arms and whether or not such

legislation could be successfully defended or enforced.” He is not willing to explore the financial cost it would take to do so. Therefore, he cannot support an Ordinance that goes against either constitution. He would support a Resolution that provides effective ways to approach the policy issues which are present in the proposed Ordinance. As Mark suggested he too is going to contact the Federal and State representatives about this issue.

Commissioner McClure thinks that the issue needs to be addressed. He feels that all the Commissioners feel the same way. He will also make a statement to the congressional delegation. He knows that when this went through congress in the early 90’s there was a political backlash. He is not sure that the sentiment is gone yet. He feels that it is a national issue and needs to be addressed at that level. There are people that are at risk on the decisions they make and they need to be held accountable for those decisions. This is not a decision that County Commissioners can make. These are national political issues and people can have an impact on them by letting the people that make those decisions know where you stand. He feels that the Commissioners should go forward with a Resolution.

DFC Continuation

Vicky Brogoitti, Director of Commission on Children and Families, and Robin Wortman, DFC Grant Coordinator, presented the Drug Free Communities Grant continuation to the Commissioners for consideration. Vicky explained that Robin worked on the continuation grant.

Commissioner McClure asked if there has been any further discussion of where this grant will go. Robin explained that it was discussed in their coalition meeting and there are a few options that the coalition is considering. One of them is remaining with the County. There is a possibility of changing the fiscal agent but they need to know what other fiscal agents in Union County might be interested and willing to take on this grant and what they would be able to offer to the grant as support. She discussed a transfer of fiscal agent to the project officer. He explained that it is a lot of paperwork. Their concern was that it could be rejected. They asked the project manager how often that happens. It said that it did happen but it wasn’t a common occurrence. If you chose a fiscal agent that had the capability of managing federal funds the likelihood of it being approved is good. The other issue is that the DFC funds are frozen from the time that the County would relinquish that funding until the new fiscal agent is approved. They won’t start the approval process until a relinquishment letter is submitted. It is an average of 45 days for approval.

Commissioner Rosholt stated that the coalition encouraged CHD to go forward with their research as to what they could provide and also the County Extension stepped up and said they would look into it and see if there was something they could provide.

Commissioner Rosholt moved approval of the continuation of the Drug Free Communities grant as presented. Commissioner McClure seconded. Motion carried unanimously.

La Grande School District Contract

Vicky Brogoitti brought a letter of agreement between Union County and the La Grande School District Alternative Education Cycling Program to the Commissioners for consideration. The Commission on Children and Families has some unallocated funds due to the Shelter from the Storm turning back some of the funding that had previously been allocated for their Girls Circle program. There was an RFP process and there was one proposal received. The recommendation from the Commission on Children and Families is that \$7,830 be allocated to this project. The funds have to be fully expended by June 30, 2013.

Commissioner Rosholt moved approval of the letter of agreement as presented. Commissioner McClure seconded. Motion carried unanimously.

Consent Agenda

The January 31 and February 7 and 8 claims journals; the January 30 and February 6 Public Works claims journals; and January 2 Board of Commissioner minutes were approved as presented on the consent agenda.

Community Dispute Resolution

Resolution 2013-01, In the Matter of Participation in Funding Activities of the Oregon Office for Community Dispute Resolution, was presented for consideration. Shelley Burgess, Administrative Officer, explained that this Resolution is a process that is done every two years. There is funding available from the Community Dispute Resolution Program grant funds. They come to the County through the University of Oregon Law School. They help the County to facilitate a process to accept proposals for dispute resolution services to be offered within Union County. The grant funding available for the upcoming biennium is \$27,563. The first step in the process is to have the Commissioners approve a Resolution that states the County will participate. If the County does not participate than the funds that are allocated for Union County are retained by the University of Oregon and they can either directly provide services in Union County or provide for it. This allows for the Commissioners to review the proposals and be involved in the selection of the providers. Over the last several years there has only been one provider that has submitted an application. Once the Resolution is approved U of O is notified and a request for proposals is issued. **Commissioner McClure moved approval of Resolution 2013-01 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Transportation Committee Court Order

Court Order 2013-13, In the Matter of Re-Organization of the Union County Transportation Advisory Committee, was presented for consideration. Shelley Burgess explained that this Court Order would re-establish an advisory committee. Once this Court Order is approved the County would then seek members to fill the vacancies. **Commissioner McClure moved approval of Court Order 2013-13 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Shelter from the Storm Agreement Extension

Shelley Burgess brought an agreement extension between Union County and the Shelter from the Storm to the Commissioners for consideration. She explained that the existing operating agreement expired on August 28, 2012 and it is necessary for the County to have a current agreement in order to continue to qualify for tax exemption for that facility demonstrating that it is being operated for a qualifying purpose. This extension would be through August 28, 2013 under all the current conditions. **Commissioner Rosholt moved approval of the Shelter from the Storm Agreement extension as presented. Commissioner McClure seconded. Motion carried unanimously.**

Livestock District Annexation – Continued

Court Order 2013-09, In the Matter of Annexing Land into Union County Livestock District #1, was presented for consideration. Scott Hartell, Associate Planner, explained that there were changes made at the last public hearing on the Court Order. Mr. Eisiminger has brought back a new legal description and new map that shows the changes. The portion that was proposed on the East side of Gray's Corner Road has been removed.

The public hearing was opened. The hearing was closed with no testimony received.

Commissioner Rosholt moved approval of Court Order 2013-09 as presented. Commissioner McClure seconded. Motion carried unanimously.

Adjournment

The meeting was adjourned at 10:10 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II