

Board of Commissioners Meeting
December 11, 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

Airport Lease

Doug Wright, Public Works Director, brought an Airport Ground Lease to the Commissioners for consideration. He explained that the lease is a renewal of the Hand hangers. It is for an additional ten years.

Commissioner Rosholt asked if this is for the Hand family and not Earlidean herself. Doug explained it is for the family but it needs to be in her name for estate purposes.

Commissioner McClure moved approval of the Airport Ground Lease for Earlidean Hand as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Vehicle Bid Approval

Doug Wright brought a Vehicle Bid to the Commissioners for consideration. He explained that this bid is for a ½ ton pickup truck for the Public Works Department. Legacy Dodge was the low bid at \$23,953. **Commissioner McClure moved approval of the vehicle bid award to Legacy Dodge as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Memorandum of Understanding with the City of La Grande

Hanley Jenkins II, Planning Director, brought a Memorandum of Understanding with the City of La Grande to the Commissioners for consideration. He explained that the Commissioners asked to have an MOU prepared between the City of La Grande and Union County related to the La Grande Urban Growth Boundary expansion for industrial land west of the Airport. This MOU requires that the City and County participate when the Airport Master Plan is being updated.

Commissioner McClure explained that the County has put in for a grant to do the Master Plan and it is the intention that the Master Plan move forward as quickly as possible. The City had agreed to enter into an MOU to make sure the process continues as planned.

Commissioner McClure moved approval of the MOU with the City of La Grande as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Consent Agenda

The October 10 and November 7, 15, 21 and 27 claims journals; and the October 8 and November 6, 13 and 20 Public Works claims journals; and the June 5, August 21 and October 16 Board of Commissioners Meeting Minutes were approved as presented on the consent agenda.

Bond Post Issuance Compliance Policy

Shelley Burgess, Administrative Officer, brought a Bond Post Issuance Compliance Policy to the Commissioners for consideration. She explained that this is part of the funding process the County is going through with the tax exempt bonds. There is an annual compliance reporting to verify that the bonds that are issued are tax exempt. The bond council has recommended that the County adopt a policy which shows the IRS or who may be auditing the bond process that a policy was established. It also provides some protection so if the County missed a reporting or something that they shouldn't have done the policy would show that the intent was to follow through with the requirements. It is set up to make the administrative officer responsible for complying by doing the report or having someone do the report. **Commissioner Rosholt moved approval of the Bond Post Issuance Compliance Policy as presented. Commissioner McClure seconded. Motion carried unanimously.**

Appointment to BOPTA

Court Order 2013-41, In the Matter of Appointment to the 2013 Board of Property Tax Appeals, was presented for consideration. Shelley Burgess explained that this Court Order would appoint Steve McClure, Russ Smith and Steve Oliver to the BOPTA for 2013. **Commissioner Rosholt moved approval of Court Order 2013-41 as presented. Commissioner McClure seconded. Motion carried unanimously.**

Secure Rural Schools Election

Shelley Burgess brought the Secure Rural Schools Funding Election to the Commissioners for consideration. She explained that since the Secure Rural Schools funding has been approved for one additional year it is necessary for the County to determine whether or not the SRS payment will be accepted or instead elect to accept a payment based on the timber harvest. There will also be a designation between Title II and Title III services. She has prepared a letter for the Chairman's signature stated that the County would do what they have done in the past. The County will elect to receive the funds and allocate 15% of the payment to Title II and Title III, which is the minimum amount. Of that 15% the Title II program will receive 8% and Title III would receive 7%. This letter would notify the Governor's office of the County's intention for the funding. **Commissioner McClure moved approval of the Secure Rural Schools Election letter for the Chairman's signature as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Petition for Livestock District Annexation – Public Hearing

Court Order 2013-40 , In the Matter of Annexing Land into Union County Livestock District #1, was presented for consideration. Hanley Jenkins explained that they received an application on September 25, 2013 from Edwin and Karen Waldrop and Brandy Cassandra who are land owners of the property proposed to be annexed into the Livestock District. The property owners are 100% of the property being annexed. The Oregon revised statute, ORS 607.013-.055, identifies the specific process that the County must follow in reviewing an application for annexation into a Livestock District. The Statutes require that the County prepare and adopt a Court Order to initiate the process. Notice of this hearing was given to adjacent land owners and the Oregon Department of Agriculture. He explained that the process requires that the Commissioners hold a public hearing today and adopt a Court Order if the Commissioners agree with the annexation.

Commissioner McClure asked Hanley how much discretion the County has on the decision. He stated that it appears to him that the Commissioners are limited by Statute. Hanley stated that it was correct. Commissioner McClure asked why there was a public hearing when the statute states what their decision has to be. Hanley explained that the Commissioners discretion is in the boundary not in the decision of the annexation. Commissioner McClure stated that he doesn't like to have public hearings when the statute doesn't give discretion to the people that come to testify. Hanley explained that there is 100% of the land owners requesting to be annexed.

Commissioner Davidson explained that the statute does not leave the Commissioners any discretion in the decision to annex at all. The County has to have a hearing and the people that are invited into the hearing can express their opinion but the County cannot consider it based on the Statute.

Hanley explained that the last Livestock District Annexation hearing was for property outside of Imbler. The land owners came together and ended up altering the application as a result of that public hearing process.

Commissioner McClure explained that he feels the people that are present to testify need to understand that the Commissioners have limited decision making on this application.

Commissioner Davidson opened the hearing for public comments.

Brandy Cassandra, 70077 Ruckle Road, Summerville, explained that she is one of the applicants and land owners of the portion that will be annexed. She appreciates this hearing and respects everyone's comments and opinions.

Commissioner McClure asked if her frustration was livestock trespassing onto her property. Brandy explained that livestock and also people are coming in on horseback

or ATV to retrieve or looking for the livestock. It is uncomfortable for her to be on property and have people trespassing without contacting her before they enter her property. There is some damage caused by the livestock. There is more erosion around the streambeds and ponds. There are at least seven or eight different native orchid species on her property that she loves. When she bought that land she considered it a sanctuary or a preserve for the native wildlife. She prefers to keep out grazing and livestock that are going to cause a lot of damage.

Tom Waldrop, 70074 Ruckle Road, Summerville, explained that he owns the other part of the section that will be annexed. The upper end of his property is where the cows access and cause damage near his house. They also cause erosion on the drainage ditch. When he went to the Planning Department to start this process he found out that all the other property on Ruckle Road had already been annexed into the Livestock District in 1977. He doesn't want to make it tough on the cattle owners but he also has property that needs protected.

Bob Hill, 67939 Hug Road, Summerville, explained that he owns adjoining property that isn't in the Livestock District. He is against this property going into a Livestock District. It is inevitable with the wind storms, the elk and the cows being pushed down by wolves they are bound to break through fence. There are people who will also cut fence to get to a tree. That is the problem with running cows in the mountains whether it is private land or Forest Service land, fence can be damaged and cows get out. When the cows are out it can be hard to find them the next day. It takes a while to gather the cows after they have gotten out and have scattered. Some of the neighbors did put up a new fence where the cows were getting out to keep the cows in the property. He respects the fact that everyone has a right to their own private property. He wonders if the Commissioners should postpone their decision until they can get legal counsel to review the statute and determine what the Commissioners can decide on the annexation. He was under the impression that the County could determine whether this would be annexed in or not.

Andy Tarvin, 69725 Summerville Road, Summerville, explained that he does not own ground right next to the places being annexed but he does lease land and has cows on that leased land. He respects their right to have their own property but there is not a lot of access to retrieve the cows if they do get out. It would be nice to go get the cows through the hole that they went out then go down and around the road to ask permission first.

Steve Craig, Summerville Road, Summerville, explained that he owns section 15 adjacent to the property that is being annexed into the Livestock District. He stated that they have 1800 acres fenced adjacent to this piece of ground. He is concerned that when property is annexed into a Livestock District it makes it more of an urban district and they may want to build more houses on the area. If it is annexed in it puts more

pressure on the Sheriff's department and the fire department. If there are more houses in the area there are more pressure on those departments.

Tom Waldrop explained that it may or may not urbanize the area by putting it into a Livestock District but building more houses out there is not an option. They are limited to what can be built on a piece of property. There has to be 240 acres of land before a house can be built on it out there. Neither property has enough acreage to subdivide it and build another home. None of the pieces of property in the area are large enough to subdivide.

Commissioner Davidson closed the public hearing.

Commissioner McClure asked if the other Commissioners want to allow the opponents time to seek counsel in order to get an opinion on the Statute. Commissioner Davidson stated that it is pretty clear that the Commissioners don't have discretion but he doesn't think it is unreasonable to give them time.

Commissioner McClure asked Bob Hill if he wanted to consult with a lawyer. Bob stated that it would make him feel better to have it looked at. Commissioner McClure stated that because this time of year they are not going to have an issue with livestock trespassing the Commission can take it up again in January and if there is another opinion showing the Commission has more discretion they would take a look at it.

Bob Hill explained that last summer he received numerous calls to check bands and look at brands to make sure the cows out were not his. They were not his so he wasn't the problem but he still feels that he does not want a Livestock District out in that area.

Commissioner McClure moved to postpone this hearing to January 22nd at 10:00 a.m. giving the opponents an opportunity to produce a legal document that says the Commissioners have more discretion or not. A decision could be made at that time. Commissioner Rosholt seconded. Motion carried unanimously.

Supplemental Budget hearing – Public Hearing

Resolution 2013-17, In the Matter of Adopting & Appropriating a Supplemental Budget for Union County for FY 2013-14, was presented for consideration. Shelley Burgess explained that the County is required to publish notification of a supplemental budget hearing because she is proposing to increase appropriations for a fund more than 10%. This is not an unanticipated grant but an action that the County is taking. She is proposing to increase the project fund by a total of \$4,400,000. The reason for the increase would be to accept the \$2,000,000 from the Oregon Justice Department and the two bonds that would be issued; Series 2013A funds for \$950,000 and the Series 2013B funds for \$1,450,000. The expenditures would be for the Court Facility for \$2,750,000 and then repayment of loans for \$1,650,000.

Commissioner Davidson opened the hearing for public comments. The hearing was then closed with no comments received.

Commissioner Rosholt moved approval of Resolution 2013-17 as presented. Commissioner McClure seconded. Motion carried unanimously.

Adjournment

The meeting was adjourned at 11:35 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II