

Board of Commissioners Meeting
October 1, 2014

Present:

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

Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

Commissioner McClure indicated there were two individuals scheduled under Public Comments, but stated he would take comments from the general public first, and asked if anyone present from the general public would like to address the commissioners. No one came forward.

Rick Robinson, Surveyor at Bagett, Griffith & Blackman presented a subdivision plat to the commissioners for approval. The subdivision is for Mt. Ridge Estate, which is a small subdivision located off of 25th Street in La Grande. All subdivision plats are required to be signed by the governing body. **Commissioner Davidson moved approval of the subdivision plat of Mt. Ridge Estate as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Frank Thomas of Community Connections presented a Coordinated Transportation Plan update to the commissioners for review and approval. This is an update of an existing program with a few changes including those required for statutory requirements under the Special Transportation Fund regulations. A complete rewrite of this plan will be required in the next fiscal year, and Community Connections plans to apply for a grant in Spring, 2015 to bring in a full consulting team in order to be heavily dedicated to a complete reprocess. The team that processed the current update is very pleased with the process, as public comment opportunities were made available in every Union County community where an update would potentially impact the ridership. Comment opportunities were made available in person and in writing as well as on-line. The plan was presented in detail to the Community Connections Advisory Council, which passed a Resolution to recommend to the STF committee. The Advisory Council received explicit delegation from their board of directors under Title VI which means they are very representative of the Union County stakeholders. This group includes a broad endorsement of many organizations in Union County. The Union County STF Committee voted unanimously to recommend this plan for adoption. Commissioner Davidson asked how certain the complete rewrite was for 2016. Frank explained that they will be applying for a grant and felt the need for the rewrite is great, as this has not been done since 2011. There have been many changes in the last three or four years and as a result felt this will be a highly prioritized project. If they are not able to bring in consultants to do this rewrite, then they will have to figure out how to do it another way. They are not required to deliver a full update of the plan until October 2016, so this will allow time to work on the plan. Commissioner Rosholt commended Frank for continuing to include and increase the service for the veterans in the program. Commissioner Davidson stated that it is impressive that this rural set of communities has extensive options. **Commissioner Davidson moved for adoption of the Coordinated Public**

Transit Plan as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Commissioner McClure stated that since the meeting had started this morning, there were additional people who had arrived. He explained that the meeting was in the Public Comment and Concerns portion of the meeting, and wanted to make sure that anyone interested in stating a public comment or concern to the Commissioners was invited to do so. No one came forward.

Elected Official, Department Head and & Employee Comments

Doug Wright, Public Works Director, presented the loan application for the Palmer Junction Project for approval and review. This will provide a match for the Federal Highway grant, which is a \$6 million dollar project. This loan is provided through the Oregon Transportation Infrastructure Bank who requires a lengthy application process, including information to allow the committee a full understanding of the project and what it's about. The application will probably be presented to the Oregon Transportation Commission for review and final approval, but part of the process involves County Commissioner approval. Doug stated he would like to initially request a 20 year repayment of the loan, and if other funding is secured then he would like to see it paid off. Obtaining the loan through the Oregon Transportation Infrastructure Bank provides a low interest rate, which is currently at about 2.5% with a 1% fee for the loan. The total loan amount is \$760,361, which will secure funding for preliminary engineering and right-of-way construction engineering and equipment. The Public Works portion of the project is to provide in-kind work which will help out with the overall project. This includes laying shoulder rock, signage and striping, which is what these funds will be used for.

Commissioner McClure stated that this is a project that had been previously approved before the last Transportation Bill and preliminary work had begun. Congress passed a new Transportation Bill and essentially threw out all pending projects except those that were under contract. This current project is slightly different, as the prior contract required seven miles of Forest Service roads to be taken into the county system which is no longer required. The County must come up with a match, where in the prior agreement no match was required because we were taking part of the existing forest roads into our system. Palmer Junction road was paved in the 1980's, so it is in need of work. This loan will allow for the work needed which includes repairs, overlay and replacement of culverts. Commissioner Davidson wanted to recognize the importance of the road to the community both from a recreational access standpoint to private lands, Umatilla National Forest, Jubilee Lake, the Walla Walla Ranger District portion of the Umatilla Forest within Union County, but also as a major route from forest land to the Boise Cascade Elgin complex, which is a key piece of milling infrastructure that our region continues to enjoy. It is critical that this route be maintained so that the uninterrupted flow of the commodity from those resource lands continues to fuel that industry. There are multiple benefits from this project, and it rises to the level of importance of taking on this debt to match the program to ensure that this improvement is put in place is more than justified. Commissioner McClure said those were very good points and were essentially the reason this project was taken on to begin with.

Commissioner Rosholt moved approval of the Oregon Transportation Infrastructure Bank application for the Palmer Junction Road Project. Commissioner Davidson seconded. Motion carried unanimously.

J.B. Brock, Emergency Manager, presented the Emergency Management Performance Grant Agreement for approval, which is used to fund Emergency Services at a 50% match allowing for an Emergency Management program within Union County. There is a work plan included which is required annually. The major projects scheduled for this year includes an Emergency Operations Plan (EOP) rewrite, with the hope of having it electronic and updated in a much more accessible format. The current EOP in place is antiquated but functional, however it needs updated. The Community Wildfire Protection Plan is a joint project currently in the works with the local rural fire departments, Oregon Department of Forestry and the US Forest Service is progressing. Another topic is the Cascadia Subduction Zone event, and planning processes have been entered into with the State of Oregon and surrounding counties to start looking at the effects to Union County as well as what can be put in place to work proactively. **Commissioner Davidson moved approval of the Emergency Management Performance Grant Application in the amount of \$77,029. Commissioner Rosholt seconded. Motion carried unanimously.**

Consent Agenda

The September 4, 2014 claims journal, the September 3, 2014 Public Works claims journal, the Board of Commissioners Budget Meeting Minutes, the June 4, 2014 Board of Commissioners Meeting Minutes, and the Solid Waste District Budget Meeting Minutes were presented for approval. **Commissioner Davidson moved approval of the Consent Agenda as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Administrative Matters

Shelley Burgess, Administration Officer, presented Court Order 2014-43, In the Matter of Appointment to the Board of Property Tax Appeals for consideration. This court order would allow for the reappointment of Commissioner Steve McClure, Steve Oliver and Russ Smith. **Commissioner Davidson moved approval of Court Order 2014-43, In the Matter of Appointment to the 2014 Board of Property Tax Appeals. Commissioner Rosholt seconded. Motion carried unanimously.**

Shelley Burgess presented for consideration and approval Amendment No. 1 to the Oregon Department of Transportation Grant Agreement 29533, (Supplemental STF) for consideration. This is an agreement between the State of Oregon, the Department of Transportation and Union County. The agreement covers services to elderly persons and persons with disability. Previously the County entered into agreement that provided funding for the biennium. This amendment increases that funding by \$50,000. The funding was previously approved through the STF Advisory committee, and this agreement facilitates the county receiving those funds which will be provided as \$30,000 to Community Connection and \$20,000 to Center for Human Development. This will allow the county to receive funds. **Commissioner Davidson moved approval of Amendment No. 1 to the Oregon Department of Transportation Grant Agreement 29533. Commissioner Rosholt seconded. Motion carried unanimously.**

Shelley Burgess presented for discussion the Union County Anniversary celebration on October 15, 2014 which will mark the 150th anniversary of Union County. She stated the Commissioners have received correspondence from Corrine Brogoitti of The Observer, and Tracy Christopher of Elkhorn Media Group outlining some suggestions of advertising they would like to do to recognize the County's anniversary. The Observer is

planning a 20 page section entitled "Reflections, 150 Years of Union County" which will include photos and stories of how the county came to be. Elkhorn Media Group would like to include some radio spots on the history of Union County. Shelley brought this for discussion to see if the Commissioners would like to support these efforts financially or to see what their thoughts were on this project. Commissioner McClure said that money is contributed annually to the fireworks display and that it would not be inappropriate for Union County to participate in the 150th anniversary of the County. Commissioner Rosholt felt it important to acknowledge to the community the support of the commission and that it is something to be celebrated. Commissioner Davidson stated that the County should participate, but not significantly in a monetary sense. There are many ads to be sold for the special section in The Observer and they have staff in place to sell the ads and a similar situation with the radio station. The radio is planning a whole series of anecdotes reflecting Union County's history and if the elected officials of Union County, including the Commissioners, participate in voicing those would be a good way of supporting that as well as lending some variety to the voices, but that would be the limit of participation he would support. **Commissioner Rosholt moved approval of spending up to \$500 for the promotion of the 150 year anniversary of Union County. Commissioner McClure seconded. Roll call: Commissioner Rosholt yes, Commissioner Davidson no, Commissioner McClure yes. Motion carried.**

Meeting was adjourned until 10:00 a.m. for the Continuation of a Vacation of a portion of Good Road.

10:00 a.m. Continuation of Vacation of Portion of Good Road

Hanley Jenkins II, Planning Director, presented a staff report referencing the last hearing of this application was on September 16, 2014, and it was discussed whether it was appropriate to proceed with a vacation request or change this to a legalization application. The distinction is that in this case, there is a road right of way that was not constructed and the road is in a different location than what was originally petitioned. The Commissioners asked the Planning Department to look into whether or not the existing road surface is in a petitioned or dedicated right of way. The Road Department was contacted and they also looked at the Clerk's records. They were not able to find where the existing road surface is in a legally created right of way, therefore, this would need to be changed from a vacation request to a legalization request. This would require the existing road surface and its right of way would need to be surveyed. Hanley received an estimate from County Surveyor Rick Robinson of \$3,000 for the cost of the survey, as well as the need to come up with a description for the portion of petitioned right of way that was never built and needed to be vacated. It was also discussed that there is a power line in the west half of the existing right of way. Oregon Trail Electric stated they would need ten feet on either side of the line for easement. This has not been drawn up, as Hanley wanted to find out who would be the responsible party for payment of the \$3,000 survey before they proceed with the legalization. Commissioner McClure asked if the purpose of this process was for the Cemetery District to have more space. Hanley wasn't sure of that, but stated Dennis Cross initiated the application on behalf of the Cemetery district. Commissioner McClure asked which side of the existing right of way is the power line located, to which Hanley responded it is on the west side. The Cemetery district would receive 30 feet of the existing right of way, but Hanley was not sure where the existing fence lines are at this time. The drawing that was provided to the Planning Department does not identify where the fence is in relationship to the

original petition right of way. Doug Wright, Public Works Director, stated by giving easement, they would build a road on the backside for the cemetery to allow more access. Commissioner Davidson asked to have Hanley Jenkins talk with the applicant and the adjacent property owner to see if they are agreeable in payment of the expense. The other commissioners concurred. Commissioner McClure stated that when projects are originated by the County, the County pays the fees. However, this proposal was submitted by citizens, so they should be responsible to pay. It would also be important to determine if there will be a true benefit to the Cemetery District. Commissioner McClure asked that if the vacation is not completed, then would an additional application be required. Hanley stated that the notice would be changed, requiring a re-notice as a legalization. There will be time to do so, as the property would need to be surveyed. He will speak with Dennis Cross as well as Gilbert and Deanna Weatherspoon, and asked if it should be brought before Commissioners once he speaks with Weatherspoon's and Dennis Cross. Commissioner McClure stated that he could notify the Commissioners of the decision by a letter.

Meeting was adjourned until the 10:15 a.m. Public Hearing of the Union County Dog Control Ordinance.

10:15 a.m. Union County Dog Control Ordinance – Public Hearing

Commissioner McClure reconvened the meeting back into session. Shelley Burgess presented the first reading of the Union County Dog Control District Ordinance 2014-03. This proposed ordinance is a revision to the adopted ordinance 2004-05. The proposed ordinance is a result of requests from the Union County Sheriff's Office, city officials, and county legal counsel. Earlier this year, Sheriff Rasmussen facilitated a meeting with city representatives who were seeking clarification regarding existing animal control regulations, and were interested in some revisions. The existing ordinance was discussed and desired changes were identified. County legal counsel was consulted and asked to address the identified concerns. During the review, counsel also suggested revisions to make the ordinance more similar to state statute and to make enforcement clearer. There have been several questions that have come up that needed clarification, so this was an activity to try and make the ordinance easier to work with and clearer for law enforcement to enforce. The ordinance with the suggested changes was presented. Changes were suggested in Section 1 as a restatement of the purpose and an updating of the ordinance numbers; throughout the entire ordinance, the reference to owner that previously appeared in many sections has been changed to keeper, and the definition and term are pursuant to ORS 609.035; Section 4.4, an addition of options for provision of animal control services; Section 5 which is the definition section, includes the addition of several definitions which were previously not included and are more clearly stated; Section 6 additional language is added addressing ORS 609.100.1; Section 7 includes some improved language regarding kennel licensing requirements and appeals was added clarifying conflicts between land use planning and the ordinance that needed clarified; Section 8 includes the incorporation of ORS 609.090-609.093; Section 9 adds the reference to ORS 609.0356 and clarification on public nuisance behaviors; Section 10 clarifies the complaint process; Section 11 adds the references of ORS 609.090; Section 14 includes the addition of ORS 609.098 to the dangerous dog identification requirements. The various references to the Oregon Statutes were added at the advice of legal counsel and were missing in the existing ordinance. A notice of the ordinance consideration was published in the newspaper, copies of the draft ordinance have been available to the public and this date and time

was scheduled for a Hearing. The required process, following the conclusion of this Hearing, if the commissioners choose to proceed with the ordinance, would require a second time scheduled for an additional reading. Commissioner Davidson asked about a reference in report to cities, and wondered which cities were participating in the development of these issues. Shelley indicated that all cities were invited to participate, and Island City, Cove, Elgin, North Powder, Imbler attended. A special meeting was held with only Union. La Grande did not participate. Shelley explained that part of this discussion came about because the Sheriff had recently contracted with Elgin and they didn't previously provide animal enforcement there. There were questions raised by Union and Cove, and so those cities were the most interested. There were no requests received from La Grande for any changes. Commissioner McClure opened the Public Hearing for public comment and would take comments on the ordinance as it is presented.

Jerry Gildemeister, 809 S. 12th Street, La Grande. He stated that he had some comments and questions for the commissioners, including who was involved with drafting the plan revision to the ordinance. Within the ordinance and also on the website, a Dog Control Advisory Committee is listed. The committee was not consulted for the drafting. He indicated he was involved with the committee in 1994-1996. This time a new draft was developed with just the cities themselves, dog control and the Sheriff's Department, but not the Dog Control Advisory Committee which appears to be currently inactive. He asked which commissioner wanted to comment on this, but Commissioner Steve McClure explained that this is a Public Hearing intended for testimony of the public allowing them to voice their concerns on the proposed ordinance which will be taken under consideration. Jerry also stated that he thinks there are about 6,000 dogs in the county with very few of the dogs actually licensed and wondered if there is anyone else involved with licensing besides Blue Mountain Humane within the county? He also wondered what Animal Control and the commissioners are doing to get dogs licensed and stated it seems as if nothing is being done for licensing and this also includes enforcement of nuisance dogs. He stated that specifically within the ordinance that if taking animals in to either a veterinarian office or animal shelter was two options, but realistically if this is to a veterinary office, how much can they handle humanely and realistically space-wise in a humane condition? This is not realistically addressed at all in the ordinance. He asked again who is licensing the dogs, who is actually giving the licenses and then what costs is involved and where is the money going. He pointed out an error in a sentence on the top of page five that it did not make sense as there was a word omitted. He also stated that the owner should be allowed to collect their dog in less than the five day period, which is currently not permissible as read in Section 11.

Chris Haefer, 64003 Chunk Cherry, Cove, Oregon. Stated that he feels this whole process is deceptive. He agrees because his dog was attacked by what he considered to be a predatory dog. That dog was dealt with later. He knows there are some things in the dog ordinance that needs to be addressed, and as a citizen of Cove, he pushed for this. There's a lot of underlining in this. It brings in an outside vet service instead of the contract that has not been renewed for the Blue Mountain Humane Society. He understands there have been a lot of back and forth process going on and maybe a lot of hurt feelings or confrontation. He was told in a conversation that no one had any knowledge of a veterinarian being offered to turn services over to a private vet, which is clear in the document that is being proposed. Commissioner Rosholt stated that there has been no conversation at all with any veterinarian. Chris read from the proposed

ordinance, Section 4 (4) The County is authorized to provide all or portion of the above services through a contract with a licensed veterinarian, Blue Mountain Humane Association or similar entity. He stated that sentence is probably why this conference room is full. While he agrees there are changes that need to be made to the ordinance, Blue Mountain Humane Society has not gotten a signed current contract, has not been paid for services they've done for three years he was told, and he thinks this needs to be addressed before the ordinance gets signed. Commissioner Rosholt stated that there has been no contact with any veterinary service at all. Chris said he understands that, and said he understands there is some back and forth conversation about an audit, which he knows the Humane Society has said they couldn't. Commissioner Rosholt stated that has nothing to do with this. Chris asked if the Blue Mountain Humane Society is in contract, and if not, then why. Commissioner McClure stated that the commissioners are taking testimony, and that they understand the concerns, and he would like to hear testimony and then perhaps provide some clarification. Chris just felt that these issues need to be addressed before the new ordinance is put together. Commissioner McClure stated that they appreciate the comments and thanked him for providing them.

Eddie Garcia, 1904 Adams Avenue, La Grande, Oregon. He stated he has left messages with each of commissioners to discuss this issue to no avail. He read a prepared statement (which he did not provide for the record). This ordinance as the Administrator currently pointed out some issues, changes the playing field for animal control and related services that comes at the heels of a delayed process to give the existing animal shelter a valid and reasonable contract for services rendered. The draft is pointed out by the Administrator has some sections that are fraught with problems, conflicts and questionable motives. Section 4 provides for the services of an animal shelter to be provided by the Blue Mountain Humane Association but now also lists a licensed veterinarian, something that was not in the previous ordinance that was adopted. Funny that a for-profit veterinarian is now an option to provide animal shelter services that has been successfully and effectively done by the Blue Mountain Humane even though the County has not executed a reasonable contract with the Association. Several directors of shelters across the State of Oregon and the director of the Oregon Veterinary Medical Association which expressed to him via numerous telephone calls that he's had with them that for a for-profit veterinarian to provide said services is not customary. More particularly when a shelter exists in a community the size that we have. So what is the motive here for a for-profit veterinarian to have such a contract when one does not exist for an existing shelter that provides services to the entire community? Please don't further confuse the public. Furthermore, is the issue of euthanasia of animals simply because there are too many? Blue Mountain Humane is a high save center for the right reasons. More importantly, it is a high save center because as adults, aren't we to teach our children compassion and respect for animals. The American Pediatric Association conducted a study in 1999 that shows when children are compassionated and shown love and respect to animals, they are less likely to become violent adults. Additionally is the conflict with a veterinarian's oath, that you as an elected board are condoning euthanasia by bringing on a for-profit veterinarian to do the services of animal control. Just today, he read an associated press article that the FBI recently announced that they have reclassified felonies of animal abuse. Young people who torture and kill animals or exhibit cruel acts towards the animals are prone to be violent offenders, violent abusive adults against people later in their life. The FBI announced that animal cruelty is now categorized as a Group A felony similar to

homicide, murder and rape. Section 7 covers kennels and that presents a problem from any person who resides in the unincorporated areas of Union County to have to get a license and be designated as a kennel. With four or more animals? Oregon revised Statute 690.090 provides that any law enforcement officer must deliver a stray to a shelter. There is evidence that some officers, none of whom appear to be here, as animal control in this county or city do not pick up strays in violation of state law and they allow the strays to exist in our streets endangering children and adults and other pets. Impoundment – so with any of the limited number of veterinarians in our areas, there isn't enough space on any veterinarians site, that we have the limited number of three, to house the number of strays that Blue Mountain Humane currently takes in, much less provide the educational services that Blue Mountain Humane currently provides the community. He has heard that the issues at Blue Mountain is not providing license tag fee amounts. He, as a voter, as a resident of Union County is compelled to publically say that up until March, 2014 of this year, after his numerous emails to the County Commission and the Administration why the county budget was not online, it miraculously appeared in March, 2014 so that the citizens of this county can see where their monies are being spent. In that budget, that now is available online, the county collects from Elgin \$9,339 and Union \$5,501 to provide those animal control services that the county receives in payment. He did not find a line item for La Grande or other remaining cities in Union County in the online budget, so the county is collecting at least over \$14,000 from these two cities for animal control services but are unable to execute a contract for the delivery of the services currently being provided by Blue Mountain Humane. Be it noted that as public servants, this ordinance does nothing to help the public or the Blue Mountain Humane Association, its staff, volunteers or its volunteer board of directors. They currently are painstakingly dedicated to provide the services related to strays and unwanted animals in our community even though the state law provides for the impoundment of strays, and be it noted that Blue Mountain Humane does it without being compensated by the county. Jerry Gildemeister mentioned the Advisory board, which is inactive and there was no board to participate in the drafting of this ordinance proposal. He asked the commissioners to please do the right thing for the animals and the residents of Union County. Dispense with the added player in the services to stray and unwanted animals and execute a reasonable contract with Blue Mountain Humane as it has unselfishly been doing the work all along without a contract. In an effort to mitigate their financial losses for the services they do, they provide various events throughout the year, with one coming up this Saturday. He encouraged all present to attend. It is a Doggie Dash, get a form, and pledge some money to walk some dogs at the shelter. Barking Basement opened up to provide consignment services or products to people that donate and purchase. All that money goes to defray the services that Blue Mountain Humane is currently doing to provide this valuable community service to our residents. Please delay this decision for 30 days and give the parties and an Advisory board that's in the ordinance, which is completely inactive, to participate in that discussion, as he thinks the county owes that to the residents to have at least an opportunity to give their input as citizens rather than only certain stakeholders in the process.

Mary Peterson, 69603 Summerville Road, Summerville. She thanked the law enforcement officers and stated that she really appreciates their help. She has been a vet tech for many years and has taken in lots of strays. She regularly donates to the humane society every month. She has fostered animals there, and from a vet tech perspective, it will be very difficult for any veterinarian, no matter how well intentioned, to

take in as many strays that are currently taken into Blue Mountain, and for as many animals as citizens surrender to Blue Mountain. She didn't know if any present had animals, but said one of the hardest jobs in any veterinary field is euthanasia. For most animals, it is a kind way to end an untenable situation in their lives – they've got cancer, some horrible disease, they've been hit by vehicle – she doesn't know if any present have had to terminate an animal's life out of kindness. She's been there; she's held the clients and held the pets as they've died. Most ethical veterinarians will not terminate a healthy animal's life if they have a choice. Please don't force any of our vets to do this. Blue Mountain needs support. As citizens, we all try to do our best for everybody, whether they are fur children, feathered children, or two-leggers. Please help these folks. They are trying to do good work.

Commissioner McClure stated that before the hearing goes any further, for clarification, this hearing pertains to the Ordinance. He understands the concern, but stated this hearing is for information and comments regarding issues with the Ordinance.

Irene Gilbert, 2310 Adams Avenue, La Grande. Stated she would like to remove the option of using services other than the Humane Society to provide services for dog control. The reason for this is that non-profits are very important to a community, they provide an opportunity for cohesiveness, the volunteers feel like they are a part of it, and she thinks it would be a major loss to this community to use any other service other than a voluntary one when it's available. They should be paid a reasonable fee for doing that. She also stated that at this point she would have to say that the people in this community are not convinced, many of them, that the county commissioners can be trusted with the option of paying for a service that is being provided for free. She thinks that what is going on with Shelter from the Storm is a prime example of letting the desires of a couple judges overrule the benefits of the community and creating a big problem for a non-profit, and she doesn't think she wants to see the commissioners trusted with the opportunity to do something similar with dog control.

Eddie Garcia, 1904 Adams Avenue, La Grande. With respect to the chairman and the comment made, this is an open public hearing and testimony that you have asked people to contribute and take their time. Albeit, it is business hours and people, many of you are here, are working and cannot take their time off of work. With all due respect, the testimony that any citizen wants to come here and those that aren't here is their testimony. To control the content of their testimony is not reasonable or acceptable. If they want to talk about something that's ancillary to the ordinance, that's their right to do so, to put on testimony. You have said that there is no two-way communication, which he finds quite offensive with an elected board. Communicate with the constituents in the electorate. Give them the opportunity to use two minutes, three minutes, whatever the time is allotted to give their testimony however they want to give it. He said that these issues do relate to the contract, despite the fact of what's in the ordinance, and the fact that no committee based on community residents participated in that. He asks that they let the public give their testimony in full.

Donna Brownlee, 2012 Y Avenue, La Grande. She brought a paper which she printed from the county website, under Boards and Committees, for Dog Control District Advisory Committee. It has been stated that this is basically a non-existent committee. She would like to see that this committee be activated. It very specifically mentions who should participate, with seven committee members, with specific areas of representation,

including county commission, extension agent, veterinarian or local producer, lay person, city of La Grande, Humane Society and a small city. She doesn't understand why it's not active. She would like to see it activated, and yes, the Humane Society should definitely participate in this committee.

Jerry Gildemister. Stated that he was confused, where we are talking about just the Dog Control Ordinance itself, but it's all interrelated that's involved there of the idea when it was first established out there, Blue Mountain Humane, where the county owns building and parking lot and it's under the auspices of the Blue Mountain Humane who owns the land. The county, since 2011, has not given a dime for maintenance of that building, which is fiscally irresponsible. This is a dog control ordinance, but it's interrelated because you are talking about that of taking animals which animal control takes out there day in and day out through the shelter itself and yet the county is not maintaining anything there as far as repair. Blue Mountain Humane went through last year a massive cost of redoing that water system that was put in under the county's building back in 1996, when it was actually constructed, but leaking all these years evidently or someplace there into a massive problem, a very expensive problem. That is the County's obligation because it's their building. It's not Blue Mountain Humane's, and yet you aren't giving any money to Blue Mountain Humane for maintenance, repair, upkeep, any of that and it is totally irresponsible.

Sandy Lentz, PO Box 511, Union, Oregon. She owns and operates a boarding kennel and has a lot of dog training and shelter and rescue and other kinds of experience. One of the things she would like clarification is with regards to Section 5, Definitions, Item 10, Restraints, where it talks about restraint being obedient to a person's commands. She would like to know who is responsible for making that decision, whether the dog is obedient or not, and then what happens. As a trainer, she sees that most of the dogs out and about, are not listening to their owners. So that is something she thinks would be helpful to have clarification for, because most citizens will say that their dog minds, and they don't. Especially under stress, which is lunging, chasing dogs or cats, running into the street, some of those kinds of things that dogs do – they are clearly not under control. In Section 11, Impoundment, she would make a suggestion in Item 4, where it says animals will be held for a minimum of five days. Maybe it could be rewritten to state five business days in the event that the holding facility, whether it's a shelter or other place, may or may not be open for a Sunday or a holiday or something, and special arrangements are not always available so five business days would cover that. The holding facility may end up keeping the dog or pet for an extra day or two, but it would still give the rightful owner or keeper, the opportunity to claim their pet. That would give the concerned public that wants to get their dog back the opportunity to do so. She also volunteered to be on the Advisory Committee and left her pet resume' for the record (attached). She has a 20 year corporate career as well, but this is her dog related resume' and she would like to see the committee established. From what she has seen, it has not been in existence and she would volunteer to help on that.

Mike Voss, 62607 Nick Lane, Summerville. He asked if the commissioners understand what this Humane Society has done for Union County, besides what they're doing right now. He and his son are the owners of DAR Canine, which stands for Drug, Assault and Rescue canines. They have taken dogs out of the Humane Society and turned them into drug dogs that have been put into law enforcement use, which is keeping drugs out of the county. It's not just saving the dogs; it's keeping drugs from this county. One of

their drug dogs got into drugs on a search and was going to die. They took it to a local vet who wanted to put the dog down. They took their dog to a second vet, and the dog came out of it and spent years after that searching for drugs and keeping them out of different areas. He thinks the commissioners should take a look at that and see that this county, this Humane Society, is doing other things than just housing dogs there. He also stated that he thinks all are present today thinking that the commissioners are going to hear what they have to say, but the commissioners are sitting there as if they care about nothing. This is the appearance from the back of the room, as if you've made up your mind and the decision has already been made.

Mary Cargill, 504 M Avenue, La Grande. She has briefly looked over the ordinance and did not see how Animal Control would respond to any of the complaints. She has experienced many times where strays have come to her home or she has found a stray. A couple months ago, she found a stray at Bi-Mart and called Animal Control and was told they couldn't do anything. Animal Control asked if she could keep the animal overnight and call again in the morning or call the Humane Association, but they didn't give her a number. She drove out there, but she didn't bring her glasses to see the numbers very well. She called Animal Control again and was told to leave the dog at Bi-Mart and go home, which is what she did. If she had a place to keep the dog, she would have kept the animal overnight. She has kept other animals overnight to get them to their owners. That is a big concern that she has with this ordinance, in that it doesn't show what the response is. With the humane ethic, she hopes that all will get together and develop a professional relationship between Animal Control and Humane Association to meet these kinds of needs after hours. Not all animals misbehave in business hours, and not all animals lose their homes and need to find a place after hours. This is something that both entities need to find a way to meet that, and perhaps when you have a professional relationship and meet the obligations that have been set forth that there will be funds available so those after-hours can be done.

Commissioner McClure thanked all for their testimony and will take it under advisement. He stated that the county attorney, Brent Smith, is present today, and would like him to address the situation where it sits now with the Blue Mountain Humane Association, and to bring all present up to date as to where we are in the process.

Brent Smith stated he will try to provide a press release and all of the documents he will be referring to, as there are a lot of them. Blue Mountain Humane Association, BMHA, is an Oregon non-profit corporation. It's a membership corporation, which means that members are supposed to vote on the Board of Directors. Union County has several ordinances related to animal control. It was already explained how this revision came to pass. Part of the interest of the county is to make enforcement clearer than it was in the past. Sometimes there are changes to the chapter in the Oregon Revised Statutes, chapter 609, which relates to this, so we want to have the county ordinance be similar to the state statutes so there is a lot of clarity when we have an issue with a dog that's a nuisance or something and we have to prove that it was actually a nuisance in a court room. Union County and BMHA entered into agreement in 1995. In that agreement, Union County delegated the administration and control of the county animal shelter to BMHA. The agreement expires June 27, 2015. The agreement does not obligate Union County to provide ongoing financial support to BMHA or to pay BMHA for housing animals. The agreement does provide that BMHA will administer the dog licensing program and keep the funds that are related to dog licenses. Historically, Union County

and the City of La Grande each provided BMHA with approximately \$10,000 each, for a total of \$20,000, every year to support their operations. This was not pursuant to any contractual agreement that they had, it's just what the county and the city decided to do. Both the county and the city stopped providing BMHA with funding in 2012. At that time, BMHA and the county were attempting to negotiate a new agreement. The county anticipated that the new agreement would identify a specific amount of funding that the county would provide to BMHA per year. The county expected to negotiate a new agreement that said the county will pay X amount of dollars to BMHA, but the existing agreement that expires in June, 2015, does not require the county to make any payments. During the course of negotiations over the new agreement, which went on for a long period of time, the county began to receive information from former BMHA board members about financial irregularities at BMHA. This doesn't have anything to do with the work they are doing, just about potential financial issues with practices. Over the course of the contract negotiations, the BMHA executive director John Brinley explained that BMHA believed that they should receive more financial support from the county than it had in the past. BMHA provided the county with a proposed contract. In the contract BMHA proposed they wanted the county to pay BMHA \$75,000 a year. The County rejected BMHA's proposed contract, but invited BMHA to continue negotiations. In early 2013, La Grande City Manager, Robert Strobe, offered to assist all parties in negotiating a new contract. La Grande had historically provided about \$10,000 a year to BMHA, but La Grande wasn't part of this existing contract that expires in 2015. Mr. Strobe scheduled several meetings that would involve him, BMHA and the county. Each time, BMHA cancelled the meeting. On November 8, 2013, Mr. Strobe wrote to Mr. Brinley about trying to continue negotiations and the fact that BMHA had cancelled these prior meetings. Even though the county did not accept the contract that BMHA had proposed in 2012, BMHA sent an invoice to the county in early 2013 for \$185,259.07 and then resent the invoice with a hand written demand for payment after contract negotiations had failed in 2013. Brent reminded all that BMHA had proposed a contract under which the county would pay them \$75,000 a year, but then when they sent an invoice saying that the county owed them money, they sent an invoice for over \$185,000. The county presented BMHA with a proposed agreement through City Manager Robert Strobe. That agreement provided that BMHA would retain all the fees related to animal licensing as it always had, and that the county would provide BMHA with \$10,000 per year which it had in the past. It also clarified issues related to hours of operation, which some of the people talked about. There would be additional hours of operation, very clear hours of operation, and that there would be better additional communication about the animal licensing records and the shelter records, because there were some problems of communication between animal control and BMHA. In 2013, the county received additional complaints about the financial irregularities and other problems at BMHA from former board members and community members. The county became concerned that BMHA was not complying with federal and state laws that apply to non-profits. That becomes a problem for the county as the commissioners are responsible for making sure the money is used appropriately when it grants money to organizations. Specifically, the reports that the county received from former board members and community members were that Mr. Brinley as executive director was doing business with BMHA by either selling products that he owns to the non-profit or being a sales agent for a company. This is not a factual determination by the county; it is just what has been reported by various individuals to the county. The county received reports that the board included people related to the executive director and that the executive director had hired his immediate family members. This is a potential problem with non-profit status.

During that time period, the county also received reports about improper euthanasia of kittens at BMHA. Former BMHA board members reported to the county that no audits of BMHA's financial records had been completed since 2009. Because of these reports, the county determined to investigate whether BMHA was in compliance with non-profit laws, and if possible, assist BMHA with becoming compliant with the law before the county engaged in further contract negotiations or provided money to BMHA. The county requested the Oregon Department of Justice Charitable Activities section to provide the public records that they have about BMHA. Non-profits are required to file certain tax related and financial records with the Department of Justice (DOJ). These records include the by-laws, articles of organization and yearly reports relating to the use of funds. In November, 2013, the DOJ replied to the county with 156 pages of records related to BMHA. A review of the documents from the DOJ confirmed some of the allegations made by former board members and revealed legal compliance problems and raised some questions. It made clear that the BMHA board included relatives of the executive director and that BMHA had no Conflict of Interest policy in place. The IRS requires a Conflict of Interest policy, which can be read about in various locations including the IRS website or the Charitable Activities section website. Brent provided an example of what a conflict of interest would be, stating that if he is the owner of Brent Smith Contracting, and he is on the board of a non-profit, he can't vote on giving out a contract to Brent Smith Contracting. There are ways to deal with this, and non-profits are required to have the Conflict of Interest policy. The employee compensation had increased significantly from 2008 until 2011. It's not that the county's position meant that there were nefarious activities; it's just that it was unusual. The total compensation paid to employees in 2008 was \$50,000-\$60,000, and it was over \$110,000 in 2011. The documents reflecting this will be available through Brent for those wanting detailed information. BMHA had indicated in its tax filings that it did not hold any restricted endowments and former board members had reported to the county that BMHA did have a large restricted endowment. A restricted endowment is a chunk of money that can only be used for specific purposes. BMHA had failed to list its compensated employees and its key employees correctly on its tax forms in 2010 and 2011. This information was omitted. They had not yet filed its reports with the DOJ for the 2012 tax year. Those reports would have been due May 15, 2013, and the county did not request all the records until late 2013. They should have been available. On December 4, Brent wrote to the executive director, John Brinley, and requested that the parties mediate to resolve disagreements about the existing contract. After that, BMHA hired a lawyer named Jacqueline Reeds. Brent wrote to her on January 13, 2014: The county is concerned with enforcement of its animal ordinances. BMHA has not been cooperative with the county in recent years, and the purpose of the mediation will be to plan a way forward for both BMHA and the county. The other purpose of the mediation will be to address the current failure to perform on the existing contract. The county is concerned that BMHA's director, Mr. Brinley, is breaching his fiduciary duties. BMHA does not have a Conflict of Interest policy. We have received information about self-dealing transactions occurring. BMHA's last reports to the Charitable Activities section and the IRS was at best incomplete and at worst, false. We think that if the BMHA board becomes more involved in the management of the organization that the parties will find a way to move forward cooperatively. Mediation was held on February 3, 2014. Brent wrote to BMHA's lawyer on February 13 regarding an agreement reached in the mediation. The letter that he wrote stated 1) BMHA will be independently audited by a person or organization approved by both BMHA and the county before June 1, 2014. 2) BMHA will be reviewed by a non-profit expert, agreed on by both BMHA and the county for compliance

with non-profit law, and that will be completed by June 1, 2014. 3) Subject to the approval of the financial audit and the review of the non-profit expert, BMHA and the county will be negotiating good faith to put a new contract in place. The goal will be to negotiate a new contract in June, 2014, and to have a new contract in place July 1, 2014. The letter continued that he understood BMHA is in the process of hiring a non-profit expert from California. Please let me know who that person is. The county will want to see a written report from the non-profit expert and the accountant. If the auditor or the non-profit expert discovers legal problems that BMHA is not willing to resolve, then the county will not negotiate a new contract with BMHA. If problems are discovered, but BMHA resolves those problems, then the county will negotiate a new contract with BMHA. Additionally, if BMHA satisfies the county that it is in compliance with law, the county will release \$10,000 designated for BMHA's 2012-2013 fiscal year. The county has to account to the public for the way public funds are spent. The county does not know whether there has been a misuse of funds at BMHA. Members of the public have alleged misuse of funds at BMHA to the county. It appears to the county that there are some violations of non-profit laws related to conflicts of interest and required reports. There may be additional issues of which the county is not aware. We trust that the BMHA board, with the help of its attorneys and experts will resolve all issues. In May, 2014, BMHA through its attorney, communicated to the county that BMHA was not willing to spend what BMHA estimated would be \$7,000 on an audit and review completed by an accountant and a non-profit expert. In late June, 2014, the county offered to pay for an audit of BMHA at a cost of up to \$7,000. The last communication that Brent had with BMHA's attorney was to inquire who the non-profit expert that was found in California was so he could see if it was someone the county could agree to. There has been no communication received back from the BMHA attorney. The next communication after that to talk about who the non-profit expert would be was the paid advertisement in The Observer in September, 2014. That is the history of these negotiations over BMHA's contract.

A couple of things so that it is clear in everyone's mind. The county doesn't know that there is any misuse of funds at BMHA. There is no factual finding of that. What the county knows is that people that were involved with BMHA have complained that there were violations of law and misuse of funds that were previously involved with the non-profit. The county knows that it requested the DOJ's records related to BMHA. Brent looked at the records and he could see that they had not properly reported the employee compensation in 2012-2013. That might just mean they need to file an amended document and explain and account to people. Or it might mean that there is a problem – we don't know. They didn't have a Conflict of Interest policy adopted by the board and it didn't appear it was followed. It doesn't mean that anyone is stealing. It means that the safeguards that the IRS and the State Department of Justice say are supposed to be in place to avoid problems were not in place. The position that the county took with BMHA is that they need to show that they have corrected problems and gone through some process to identify any problems with legal compliance. The county will then negotiate the contract and will provide funds that had been typically provided previously. BMHA engages in activities that are part of the county's enforcement of its animal ordinance where the county has said via that contract that they will have BMHA take care of these things that the county needs to do for its animal ordinance. It also does other activities that are not related to what the county needs to have done. The county made a decision that it wasn't going to provide funding to a non-profit unless it was satisfied that the non-

profit was in compliance with non-profit laws and the safeguards that are supposed to be in place to prevent any misuse of funds.

Leeanna Muse, 1202 11th Street, La Grande. She volunteers at the Humane Association and has for three years and donates a lot of money. She stated a previous board member who was the former president was here and was the president during some of the time period mentioned, as they were the president in 2011, so if there is a conflict and a problem, how come these questions have not been asked before of the Humane Association. How come the question only comes up when the Humane becomes a high-save rescue shelter? She asked Brent Smith if he finds this strange, to which he replied yes. Brent stated that one of the issues is that the Humane Association with a new board decided to be a high-save institution. The county had to look at this as ask that if they are going to do this, can the Humane Association still accomplish what the County needs to have accomplished in the Ordinance. The county evaluated and decided, that yes, they can. Some of the complaints about financial irregularities and so forth came out of the same time period. There were controversies both about financial irregularities and about policies within the Humane Association. He understands what Leeanna's implication is, is that maybe someone is just raising issues about financial problems because they disagree with it being a high-save facility. The county then tries to investigate and figure out what has happened, and that is done by trying to get the records from the DOJ and having a mediation to work things out. People have said that this is going on, and what can we do to solve it. The county decided that turning into a high-save, which is what the board of BMHA wanted to do, is fine as long as they can accomplish what is in the existing agreement which the county believed that they could. Some of the other issues related to the fact that it was a membership non-profit and there were many reports of problems. There was a report about business transactions between the executive director and the business, which can be done pursuant to a Conflict of Interest policy with disinterested people being the ones allowed. There is a method which a business transaction like that can be done, but there has to be a Conflict of Interest policy in place. The position that the county took following the mediation where they tried to gain information was if the Humane Association got checked out by an auditor and by a non-profit expert, then we will start to negotiate about how to move forward. The other issue that's been raised is what is the proper amount of money that the county should provide to BMHA to do the services that BMHA does pursuant to the county ordinance. That is a contract negotiation and he wants to make clear that BMHA said they need \$75,000 and the county offered \$10,000. This negotiation was not done. What happened was that the invoice was sent for \$185,000 and then there was mediation with the agreement that this review would be completed. BMHA said that they did not want to pay for the review and so the county offered to pay for it. That is where the negotiations stand. Leeanna stated that she volunteers out there all the time, she donates money and that the director hasn't been paid all year long. If anybody has a problem with anything, that man hasn't even taken a paycheck. She also stated that anyone could call him 24 hours a day/7 days a week and he would show up at BMHA to help you and there is a reason why – because there was a police officer that put a dog in a kennel that jumped over the viaduct and bled to death in there. Those owners got an attorney and were going to sue the city. So there was a decision made that he should go in no matter what time it is and make sure in order to save everyone else. Brent stated that the county has not received a complaint from anybody saying the shelter is run worse than it ever was – that is not the issue. Nobody has said that the executive director is not taking care of business. The problem is that when a public body receives

complaints about potential problems with use of funds, then we need to look at what the rules are that apply to non-profits so that we can make sure, and we have to ask. Leeanna asked why this isn't handled through the Department of Justice, and how come our local county wants to spend money paying a lawyer to be handling all of this stuff. We all pay taxes already for the Justice Department that handles this kind of stuff. She stated that this is her concern as a tax-paying citizen. These people are all getting paid, they are paying the attorney, and they are offering to pay for the audit. She doesn't want her tax dollars going to pay for an audit. Brent stated that even though no one wants to pay for an audit, there are public entities, non-profit, where there are problems with embezzlement – it happens in this area every couple of years. So the state and the IRS have very plain rules – you have to have a Conflict of Interest policy, you have to have an audit, and you have to file with the IRS. When the county has contracts with other government entities, when it has contracts with non-profits, people have to deal fairly, openly and honestly with each other. It's typically not enough for someone to say that they are legitimate or that they are in compliance. They have to show that they are. The fact that there needs to be a Conflict of Interest policy and an audit is not just some extra thing that the county made up as a requirement, it is something that the state and the IRS require for non-profit entities to maintain their non-profit status. Leeanna said that she has never heard of anyone say that they have a problem doing the audit. It was just how much they cost. For people that donate money, they would rather their money go towards helping to take care of the animals. Not to hold Cathie on the spot, but when she was on the board, she is pretty sure there was a Conflict of Interest policy made up when the whole place started. Jeff Allen stated that most of the allegations of the improprieties are before this regime took over with the shelter in the first place. They were all 2008-2011 which you were saying about the incomes of the employees, and that was prior to John's taking over the shelter. Brent stated that he did not agree. Jeff asked for clarification on the pay for employees. Brent said that what he said about pay from employees is that in 2008, it was approximately \$50,000 total compensation to employees. In 2011, which was the most recent report that we had because they hadn't filed a 2012 report yet even though it was due six months earlier, the compensation was north of \$110,000, and the documents show that. That doesn't mean that it's not appropriate. That is for the BMHA board to figure out. That was one issue that was being looked at because there were complaints from former board members about the misuse of funds. That may be entirely reasonable for BMHA to spend more on its employees, but the county, when looking at it, sees a board with a bunch of relatives, a director that is hiring family members and there are people saying that the director is doing business with the entity, and the state records show they don't have a Conflict of Interest policy in place. The county is not going to provide any more funding to BMHA until an audit is done so that everyone involved can see that the funds have been handled the way they're supposed to be handled, and there is a policy in place to deal with conflicts as the IRS requires. What happened here is BMHA said they didn't want to pay for that, and Brent understands the concern about money, but a \$7,000 audit if it prevents embezzlement of many more funds than that, then that is what needs to be done. The county said they would pay for that audit and we haven't moved forward from it. Leeanna said she knew they were getting one done.

Steve McClure stated that the county would still do business with Blue Mountain Humane Association if we could just get through some of these issues that have come up. He also said that the county has in good faith tried to do that. He thinks that BMHA has done a fine job. He was there when it was created and there were a lot of years

there was fine service done and he thinks the county can continue that relationship. If we can get people back together and sit down and work this out, we can get it done. The county has not walked away from this. There was language placed in the proposed ordinance in case the county needed to do something else. But the county has not withdrawn their offer to try and work the issue through. Brent stated that the last thing that happened was that the county offered to pay for the audit, but there was no agreement on who the auditor was going to be. BMHA's attorney had told Brent that there was a non-profit expert out of California that was willing to do this. He asked for the name of the individual so he could check them out and make sure that the county would agree to that. He has not been provided a name, and that was in early July. The county's obligation is to enforce its animal ordinance and to make sure that happens. That can be done through for-profit companies, non-profits or through county employees. It's the commissioners' job to figure out how to best accomplish that. The issue is that there were problems raised by community members and former board members. The county looked into this and sees that at least some of the issues that were raised by the former board members were legitimate legal compliance problems that needed to be solved. That's the position the county is taking. Those problems need to be solved and an audit needs to be done so we can move forward. Leeanna stated that she is sure that things can get solved, but to attack people and to attack people's credibility, and to infer that people are doing things illegally is absolutely ridiculous. Brent stated when the fact that there is no Conflict of Interest policy and that the state filings were wrong, that is doing something illegal. It could be a mistake, and that is the position the county is taking. It could be a mistake that just needs to be corrected. It doesn't mean anybody is bad or committing a crime or anything like that. That there is conflict between former board members amongst the community about what BMHA should be doing or whether they should be high-save – that is not relevant to what the county is looking at. What the county looks at is can our ordinance be accomplished by these folks and what do our agreements say. Leeanna said that is just seems like it all came up when it became a high-save rescue, then all of a sudden, there are all these problems. Brent said it did, and that was a good reason for the county to be suspicious of the complaints. What happened is that the county went to the Department of Justice, got the records, and the records show a very plain compliance problem. Then the county ultimately offered to pay for an audit of BMHA, which we think that is what should happen, and that the BMHA board should get directed, and if they need to have a change of executive director, that is up to them. If they don't, and it turns out that they just need to update their policies, then that's fine too. The last offer from the county is that they have to have the audit done before the county will engage in further contract negotiations or make payments.

Commissioner Davidson asked Cathie Falck if she was present at the meeting that the sheriff organized with the stake holders, which she was. He asked her to explain the reasoning behind adding the veterinarian as an option for services. There wasn't really a consideration that is a viable option for sheltering animals, is it more toward impoundment of dangerous animals that may need to be under the terms of this ordinance, be euthanized? Cathie stated that there wasn't a discussion of regular, normal impounds being done anywhere else. That wasn't the topic. It was dangerous dogs, aggressive dogs, dogs that are biting a lot. Commissioner Davidson asked if this was for dogs that would never be appropriate for being adopted out? Cathie stated that they shouldn't be. Commissioner Davidson stated that was his understanding of it and that he wanted everyone to be clear that with no intention of going anywhere else, the

county wants to resolve these issues. Hopefully they are all resolved in a way where these allegations that have been made are disproven, the deficiencies in the filings are corrected, and we can move ahead. We don't want to recreate the wheel, but you can see there were some deficiencies in our ordinance. Contracting with these small cities for animal control services has initiated this, and it is unfortunate timing that it coincides with this conflict and contract negotiations, but hopefully we will be able to move through that and be able to continue to operate in a collaborative manner. All we want is resolution and for it to continue. He stated he has had numerous animals over the years and it is disheartening when you have to put one down that's suffering. Philosophically, he has no problem with a no-kill shelter. If they can operate under that philosophy and provide the service that we need under our ordinances, then he is all for it. And he thinks that it's been established that they have been able to do that. We get rid of these legal issues and we'll be fine.

Eddie Garcia stated that in light of the comments Mr. Smith made and Commissioner Davidson just made that he would like ask if we are to assume that the current ordinance is in effect. Brent Smith stated yes. Eddie stated that in the interest of the ordinance being in effect and that there is an ordinance in place, would the commission entertain tabling this for 30 days to give those stake holders that are anonymous in some nature, an opportunity to sit down and chat? Commissioner Davidson explained the process as this is a first reading and public hearing only. There is not an emergency clause, and we are not going to approve this today. The typical process is that we have a second reading at least 30 days from now, so there isn't any delay. There's that opportunity that is built into the process. Eddie asked if by having a second reading will put into effect that ultimate decision to pass this. Commissioner Davidson stated that if the commissioners vote to pass it. Commissioner McClure stated that the commissioners control the process, and if they come to the end of this and they are not satisfied – the time lines are not threatening. Eddie stated that he understands that, and he is intimately familiar with the process. Commissioner McClure stated that he would rather see a solution and then do the whole thing and get it taken care of. Eddie said he thinks that is in the interest of the community who is the ultimate stakeholder here. With the comments Brent made, he asked if the comments will be released. Brent stated that he will issue a press release and said that if he emails him, he would email all the documents. Eddie stated that he had a conference call with the DOJ on Friday, unbeknownst what today's discussion was going to be about. Brent said that a few typos have already been identified in the ordinance, and if the community wants to look at this ordinance and make some suggested changes or comments, they can email them to Brent, and he will send the word version so they can track changes and we could all look at what the issues are in writing. The effective way to do this is to propose alternative language where they think there needs to be alternative or additional language. Eddie stated that it seems disingenuous that all of a sudden an ordinance appears with a veterinarian clause in it when there is already an ordinance in effect and there is no Advisory Commission empaneled since inception. Those citizens have not even participated in the discussion. Brent said that in the interest of good faith, an Advisory Commission is not an ongoing body that is always there. It is an informal body. They described the process that they went through. The cities that have enforcement issues wanted to have input and most of the changes in this ordinance are not substantive changes to the ordinance. They are just the lawyers for the county going through ORS Chapter 609 and identifying that the word keeper be used instead of owner. It is semantics, but it is also that when someone has a dog that attacks somebody and there is a crime alleged, then either the DA or the county attorney or the

law, need to figure out when a dog a nuisance, or when you can have a kennel. That is what all of this is essentially about. Trying to make that clear, and if the committee has some input on the specifics as to when a dog is a nuisance or something then for that to come in written form, he's sure that would be helpful to the county. Eddie stated that he has emailed Mr. Strobe asking what the city's position is, and he completely deferred to the county. The city has nothing on record to deal with animal control whatsoever. In an email, he said that he needed to go to the county. There are a lot of gaping holes in this issue, but he finds it, and a lot of people do which he probably speaks on their behalf, disingenuous to put in an ordinance. Maybe it is the catalyst to get the discussion moving and then be fine. But there are gaping holes in this ordinance when one is in effect, and he thinks that we all have the same interest as the chairman said – we want to make sure that we get this. BMHA does a service to the community in its entirety, whether it is compensated or not is an issue that can be discussed through negotiations. First reading, second reading then it goes into the train has already left the station. He is very familiar in how government works and has been involved in lobbying for 15 years. Commissioner McClure stated that he would agree on one thing. It has started the discussion, and he appreciates that.

Jeff Allen, 903 Main, La Grande. He thinks the reason that most of the people are here and concerned about this is that the commissioners mentioned that they have done fine service over the years out there at Blue Mountain Humane Association. He stated that no, they haven't. They used to euthanize 1,000 healthy animals each year – 1,000 animals a year were killed out there prior to the regime that runs the place now. That is his issue. If anything changes and those animals go anywhere else other than the Blue Mountain Humane Association, we will be right back to euthanizing healthy animals, and he thinks everyone here doesn't want to see that, and he doesn't want to see that. That is his main issue.

Commissioner McClure stated that they appreciated everyone's participation.

The commissioners went into executive session per ORS 192.66(h), Pending Litigation, and ORS 192.660(e), Real Property Transactions.

Meeting adjourned.

Respectfully submitted,

Annette Powers
Department Specialist