

**Union County Board of Commissioners  
September 1, 2010**

Present: Chairman Mark D. Davidson  
Commissioner Steve McClure  
Commissioner R. Nellie Hibbert

Call to Order

Chairman Davidson called the meeting to order at 9:00 a.m. with all three members present.

Public Comments & Concerns

Boy Scout Troop 213

Gary Oveson and Boy Scout Troop 213 were present and thanked the Commissioners for allowing them to be there.

Union County Ambulance Committee

J.P. Morgan and Mike Gooderham, La Grande, updated the Commissioners on the Ambulance Advisory Committee. La Grande Rural Fire Department has requested permission to be recognized as a Quick Response Team (QRT). After verifying that they meet the requirements to become a QRT the Ambulance Committee is recommending the Commissioners officially recognize La Grande Rural as a Quick Response Team.

The Ambulance Committee has also received some funding from the Commissioners to be used for training or supplies. The Committee has decided to use these funds to purchase updated CPR and First Aid certification teaching aids.

A newly formed company in Enterprise recently sent a letter to La Grande Fire offering their services to transport patients from Grande Ronde Hospital to other facilities. Mr. Gooderham explained he is currently meeting with District Attorney Tim Thompson to review whether this company meets the criteria to provide transport services in Union County.

Mr. Gooderham reported the number of EMT responders in the county is down, and that can be attributed to the cost associated with becoming an EMT and the fact that there are no incentives provided with this service. A basic EMT class is being organized but needs assistance from the Commissioners in attempting to get Blue Mountain Community College to accredit this course. Commissioner Hibbert questioned whether this course would only be provided to Union County responders. Mr. Gooderham stated that the last class had students from three different counties. Commissioner Hibbert informed Mr. Gooderham that the reason the county stopped partnering with Blue Mountain Community College was due to finances, but it is her understanding that Baker County still partners

with them. Commissioner Davidson questioned why the cost per student is so high at \$1,200 per student. Mr. Gooderham stated he is not sure, but that cost is how much Chemeketa charges. This is an extensive and long course that requires 140 to 200 hours of education. Mr. Morgan commented that in addition to paying for the course students must pay to take a State test prior to certification. Commissioner Hibbert asked if there were any way to get a cost reduction depending on the amount of students. Mr. Gooderham said the last class had 24 students, which is a large class, and they were unable to get a cost reduction.

J.B. Brock, Emergency Services Officer provided some background on La Grande Rural Fire Department becoming a QRT. This is a project that has been in the works for some time between both La Grande Rural and La Grande Fire Department and will prove beneficial to the County. **Commissioner McClure moved to recognize La Grande Rural Fire as a Quick Response Team. Commissioner Hibbert seconded. Motion carried unanimously.**

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

##### Consent Agenda

**The August 12 and August 19 claims journals for fiscal year 2009-10; August 12 and August 19 claims journals for fiscal year 2010-11; August 11 and August 18 public works claims journals; and July 21 commissioner minutes were approved as presented on the consent agenda.**

#### Administrative Matters

##### FAA Grant Acceptance

A grant offer from the Federal Aviation Administration, AIP Project Number 3-41-0031-017 was presented. This is a grant offer for the safety improvement project that Union County has been working on and is in the amount of \$2,325,653. It will fund improving the Runway 12/30 safety area and the relocation of the Gekeler Slough along with some road maintenance that will need to be done. **Commissioner McClure moved approval of the Grant Offer for La Grande – Union County Airport AIP Project Number 3-41-0031-017 in the amount of \$2,325,653. Commissioner Hibbert seconded. Motion carried unanimously.**

##### Amendment to RLF Agreement with Community Connections

Administrative Officer, Shelley Burgess, presented an amendment to the Revolving Loan Fund between Union County and Community Connections. Chairman Davidson declared that the Executive Director of Community Connections is his sister but because this matter does not affect or benefit him personally he will be voting on the information presented. An addendum to the sub-recipient agreement with Community Connection of Northeast Oregon for their administration of housing rehabilitation loan was presented because the funds from the community development block grant has been rolled into a joint

grant with Wallowa, Baker and Grant counties. Because Union County already has money in the housing rehabilitation program from previous grants to both Union County and the cities of Elgin, Union and La Grande they were concerned about joining a regional partnership. This addendum states that Union County will receive not less than \$1,437,077 to be used on local housing projects, which protects the money Union County already held. **Commissioner Hibbert moved to approve the addendum to sub-recipient agreement between Union County and Community Connections of Northeast Oregon as presented. Commissioner McClure seconded. Motion carried unanimously.**

Request from City of Imbler

The City of Imbler submitted a letter asking the Commissioners to assist financially with the installation of street lights along Highway 82 in Imbler. The request is for \$20,000 and the funds would come from the fuel tax revenue for bicycle or pedestrian paths. 1% of all fuel tax revenue is set aside for this type of project. **Commissioner McClure moved approval of the City of Imbler's request for \$20,000 to assist in the installation of street lights along Highway 82. Commissioner Hibbert seconded. Motion carried unanimously.**

Appointment to Health and Human Services Advisory Committee

Court Order 2010-34, In the Matter of Appointment to the Union County Health and Human Services Advisory Committee, was presented for consideration. The order appoints Jill Curry to replace Melinda Davis on the HHSAC Board as the Eastern Oregon University representative for a term to expire March 31, 2014. **Commissioner Hibbert moved approval of Court Order 2010-34. Commissioner McClure seconded. Motion carried unanimously.**

Predator Control Agreement

Shelley Burgess presented the Work and Financial Plan between Union County and United States Department of Agriculture Animal and Plant Health Inspection Services Wildlife Services Agreement #10-73-41-6243. This agreement provides the county with a part-time Wildlife Specialist who will respond to damage situations involving predatory animals. Union County budgeted \$19,200 for this position but this agreement shows USDA budgeted \$20,000 for revenue from Union County. Commissioner McClure questioned whether the county had the means to make up the difference between what we budgeted for and what they are requesting. Shelley replied that it would not be a problem. Commissioner Hibbert commented that she sees a need for this position because there is an increase in predatory animals in the county. **Commissioner Hibbert moved approval of the Work and Financial Plan between Union County and the United State Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services for July 1, 2010 through June 30, 2011 as presented. Commissioner McClure seconded. Motion carried unanimously.**

#### Renewable Energy Committee Update

Tim Wilson, member of Union County Renewable Energy Committee, presented an application submitted by David Felley that was approved by the Renewable Energy Committee on August 18<sup>th</sup>. This application was approved despite the fact that the Commissioners have requested that the Renewable Energy Committee come up with new criteria and guidelines for approving funding for Renewable Energy Projects, because the project was started May 31, 2010 and the memo to the committee regarding their criteria was not sent out till June 16, 2010. Mr. Felley installed a portable solar tank system on his residence and is asking for \$2,468 from the county to reimburse for some of the expenses incurred. Commissioner McClure stated he was not aware of any pending projects until the August 18<sup>th</sup> Renewable Energy Committee meeting. Commissioner Davidson asked Tim to update them on the progress the committee is making on reworking the criteria for this grant. Tim explained that the committee has made a list of items that they feel will meet the Commissioners expectations but would like to set up a meeting with the Commissioners to go over these criteria's. Commissioner Hibbert stated that it is unfortunate that this project was started prior to the memo being sent out. **Commissioner Hibbert moved to approve the Renewable Energy Fund Grant Application submitted by David Felley for \$2,468. Commissioner McClure seconded.** Commissioner Davidson stated that the committee approved this project after they were sent the memo asking them to review the criteria and re-align it to reflect what the original resolution stated. Commissioner McClure concurred with that and reiterated that if he had known about this pending project he would have brought it up for discussion at the budget hearing. Commissioner Davidson reminded everyone that filling out an application does not guarantee funding. **Roll call: Commissioner Hibbert – yes; Commissioner McClure – no; Commissioner Davidson – no; Motion failed.** Commissioner Davidson said that he will work on setting up a date and time to meet with the Renewable Energy Committee regarding updating criteria. Tim hopes that they will meet because as a committee member it's frustrating to make promises to the public without knowing the criteria. Commissioner Hibbert requested Tim forward what they came up with at their last meeting for criteria.

#### Potential Wind Energy Ballot Referral Hearing

Commissioner Davidson opened the public hearing by stating that they have heard from 106 people, 53 in support of and 53 opposed to putting this matter on the ballot. At the last meeting they received a letter from Attorney Janie Burcart stating the commissioners do not have the authority to put this on the ballot. County counsel Brandon Eyre has reviewed this letter and the rules that were referenced and has submitted his legal opinion, which will be shared at this meeting. The commissioners have also received a letter from another local attorney which will be put on the record.

Attorney Eyre reported that there are two avenues of authority for placing a subject on the ballot, one being the Constitutional authority, which was referenced in Ms. Burcart's letter. Attorney Eyre agrees with the facts Ms. Burcart brought up in her letter but also stated that the Constitution grants the Legislature the right to regulate ballot issues, which the Legislature exercised by passing ORS 250.205 and ORS 250.005 (3). ORS 250.005 (3)(e) states that local government can put a question on the ballot. In regards to the case of State ex rel Martin v. Ervin, 80 Or App 555, 558, 722 P2d 1289 (1986) that Ms. Burcart cited the measure became moot merely because of its purpose rather than as a prohibition on advisory measures. Attorney Eyre stated after researching the points Ms. Burcart brought up in her letter, the county would not be in violation of Oregon law to place an advisory vote on the ballot.

Commissioner Davidson closed the public hearing to testimony. Resolution 2010-02, In The Matter of a Resolution Placing a Question On The Ballot For Voters of Union County, which resolved that the Commissioners will seek an advisory opinion from the voters of Union County asking if the citizens support the Antelope Ridge Wind Farm Application currently before the Department of Energy by placing a question on the ballot during the November 2 general election along with three different ballot questions were presented.

**Commissioner McClure moved approval of Resolution 2010-02 as presented. Commissioner Hibbert seconded for purpose of discussion.**

Commissioner McClure stated that they have heard lots of discussion, mainly on for or against the wind project. He feels comfortable asking the voters what they think. He wants the voters to remember that the outcome of the vote is not the final decision, but rather that the Oregon Energy Facility Siting Council will be either allowing or denying Horizons application for a Site Certificate.

Commissioner Hibbert stated that the Commissioners have heard 123 people testify, some testifying more than once, along with receiving letters and petitions. After reviewing all the information received it appears that the majority of the people who support this going on the ballot want to have the voices of Union County's residents heard, but putting this on the ballot is not going to accomplish this, it needs to go through EFSC. Commissioner Hibbert fears that by putting this on the ballot it will be misleading to the constituents and that they will vote yes or no expecting the result to be effective with the end result. Therefore she takes the position that it will be misleading to the voters to put it on the ballot and would rather see a poll or survey conducted. Chairman Davidson feels that this is a large enough issue that we should ask for the voter's opinion. It's his hope that through this ballot measure the two sides will mount informative campaign so the issues surrounding this will be fully understood by the populous of Union County. **Chairman Davidson amended the motion previously made by Commissioner McClure, adding that they adopt Attorney Eyre's draft question as the measure. Commissioner McClure concurred.**

**Commissioner Hibbert seconded.** Commissioner Hibbert explained that the advisory vote for Mt. Emily committed the Commissioners to take a certain

action. In this case the County Commissioners do not have the authority to take an action and that's where she sees the difference between the two subjects.

**Roll Call: Commissioner Hibbert – no; Commissioner McClure – yes; Commissioner Davidson – yes; Motion carried.**

Executive Session

An executive session under ORS 192.660 was held.

Adjournment

With no further business the meeting was adjourned at 10:51 a.m.

Respectfully submitted,

Kylee J. Ingerson  
Department Receptionist