

Board of Commissioners Meeting
October 21, 2015

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner Jack Howard

Chairman Davidson opened the meeting at 9:00 a.m. with all three Commissioners present. The pledge of allegiance was given.

Public Comments

Burn Ban Update

JB Brock, Emergency Manager, spoke in the place of Larry Wooldridge, County Fire Chief. He stated that based on cooling temperatures and morning frost, the county fire chiefs agree the burn ban should end. This is in line with state and federal partners as ODF came out of their regulated use closure on Monday. He stated that current conditions include low 30's in the mornings and no longer in the 80's; good humidity recovery and fuels aren't drying out as much as before. Mr. Brock stated that the long term outlook includes warmer temperatures than average and continued drying conditions so the message will be given that conditions will remain dry and attention will be needed while burning. Commissioner McClure asked if burn permits will be required from local fire districts. Mr. Brock stated yes, and added that it will be stated in the press release and citizens will need to continue contacting the smoke line, which will direct them to their individual fire districts. Commissioner Howard asked that since Union County is approximately 2,000 square miles and some areas have higher risks, is there a need to look at a staggered burn ban, or is that too complicated. Mr. Brock stated that districts have the ability to make that determination for their area based on conditions.

Procedural Concern about Minutes and Consulting Budget Committee

Lois Barry, 60688 Morgan Lake Rd, La Grande. Initially wanted to voice a procedural concern, but since reading the minutes from Board of Commissioners meeting on September 2, she has another concern. She stated that during the Sept. 2 meeting, the board members from Shelter from the Storm came before the commission to present information about their capital campaign press. She stated that Commissioner Davidson moved that \$10,000 be appropriated from the county to help the Shelter purchase their new advocacy center. She stated that in reading the minutes, she is surprised with what appears to be some revisionist history: the issues between the county and the Shelter was a period of some conflict, we have moved beyond that. She thinks it is important for the record to show that the period of conflict was not a short period, but over a year when the community endeavored to convince the then-commission that the \$500,000 advocacy center should not be demolished in order to provide a footprint for the court house. She stated that later on in the minutes, there were various references to Union County being a poor county. Up to now, as she understands it, the county taxpayers provided \$75,000 to help the Shelter relocate after their advocacy center was destroyed. And then, at the May 2 meeting another \$10,000 was offered, totaling \$85,000 of Union County taxpayer money that was expended in order to solve a problem that should not have created in the first place. She stated that as a concerned taxpayer, she noted that at this meeting a new Budget Committee member will be appointed. She thinks it is important that since the commission had a budget committee, to consider consulting them when appropriations over a certain amount such as \$5,000 or \$1,000 are offered. She stated that she remembers at the May Budget Committee

Meeting, Bob Coulter, a committee member, delivered at some length a speech about his preference for private citizens to donate to social programs, as opposed to using tax dollars. She stated that in that event, she wonders if the budget committee was consulted about the additional \$10,000 for the Shelter. She thinks her credentials as a supporter of the Shelter are unquestioned, but she does have questions about the county deciding to expand funds without consulting the designated committee. She stated that she doesn't understand the point in having an advisory committee if they are not consulted.

Concern with Buffalo Peak Golf Course Hiring Practice

George Mead. He stated the question he has is in regards to the hiring policies and nepotism rules that the county has. He states his question is that he assumes the commission is familiar with the rule, and if they are, why isn't it applied when it is violated. Commissioner Davidson asked for example. Mr. Mead stated he understands from talking to golfers in Union, it seems to be common knowledge that the Golf Pro hired his wife and it has been going on for years. He states it is in direct violation of nepotism rules; he asks why it isn't being enforced. Commissioner Davidson stated he would defer the question to the BPGC liaison. Mr. Mead stated that Commissioner Davidson has been a commissioner for over seven years and asks if it has been seven years of unawareness or something else. He asked why it takes so long if the Golf Pro has been doing this for years, to suddenly have it bubble up and say it is the new guy's problem not the old guy's problem? Commissioner Howard stated that he appreciated the question and the tenor of the issue may be a personnel issue so it will not be addressed now in this forum. He reiterated that the public comment period is intended for comments. He stated that the commission will look into it and that it has come up and been addressed in the past. Commissioner Howard reiterated that Mr. Mead's question is legitimate.

Elected Official, Department Head & Employee Comments

Boardman to Hemingway Project (B2H)

Union County Planning Director, Scott Hartell, stated that Commissioner Davidson brought to his attention that there are concerns within Union County regarding the Boardman to Hemingway (B2H) project. He stated that concerns range from understanding federal NEPA process, Oregon Department of Energy site certificate process, what the county as a cooperating agency status through the federal NEPA process means, and the opportunity for citizen input throughout the federal and state process for review of the B2H project. Mr. Hartell recommends the commission to sponsor a work session; he would request other agencies to participate for further clarification as it pertains to their roles. He stated that a representative from Idaho Power would explain the purpose of the application and justification behind the route selection; a representative from BLM would explain the NEPA process and citizen input opportunity; a Department of Energy representative would explain the site certificate process and citizen input opportunity. Mr. Hartell stated he would attend the work session to provide a record and report back to the commissioners. He suggested an evening meeting in the Misener Conference Room, where it would not interrupt daily work activities.

Commissioner McClure stated that it is important to lay out processes, the county's options and status, and proposed routes to the community. He stated that it would be appropriate to schedule a work session as described by Mr. Hartell. He added that he would like to hear explanations from other agencies. Commissioner McClure stated that it is a legitimate public

issue and although it is not the commission's decision, it is appropriate for them to provide the community with the opportunity to learn about the project and give input.

Commissioner Howard stated that he loves work sessions. He also stated that there has been one work session in the past and he is not against a second work session. He stated that he favors a blue ribbon public committee forum, a recommendation from Irene Gilbert. Commissioner Howard stated that the commission needs to start listening to people who are not necessarily the experts, but the people whose property values will be affected in the short term. He stated that there is a need for a panel of blue ribbon Union County citizens to address the issue first. He stated that he advocates for citizens to be involved first.

Commissioner Davidson stated that the commission could consider the appointment of a citizen advisory committee, which would take some time. He stated that the work session could be formed and gain more input in a short period of time, then assess the input and consider if the advisory committee is the route the commission would like to pursue, and make a decision as a commission and move forward. Commissioner McClure concurs. Commissioner Davidson stated the consensus is to move forward with the work session. Mr. Hartell stated he would schedule and advertise it and report back to the commission.

Commissioner Howard stated that it appears to be 2-1 on this issue, but in terms of getting public involvement, he thinks the work session will be pivotal. He hopes the commission is not moving away from consensus; people need to attend the work session as well. He stated that if it is well-advertised and the public is invited, then people show interest. Commissioner Davidson stated that Mr. Hartell has been asked to schedule and advertise the work session. He stated that the purpose is to gather input from interested parties; it is intended to provide opportunities for the public to be heard.

Consent Agenda

Commissioner McClure moved approval of the Consent Agenda, which included claims journals from October 1, 7, 8, 14 & 15. Commissioner Howard seconded. Motion carried unanimously.

Administrative Matters

Administrative Officer Shelley Burgess requested to change the order of Administrative Matters as listed on the agenda to accommodate the schedule of Carole Smith from 4-H & Extension Service District, whom is present for the BMTD agenda item; Chairman Davidson granted request.

Blue Mountain Translator District Agreement

Mrs. Burgess stated that there have been past discussions about the BMTD's need and desire to find a location for equipment; they have worked with the 4-H & Extension Service District for that purpose. She reviewed that at the last meeting, Ms. Smith stated that they are willing to allow BMTD to locate at their site, but there were a few details yet to be finalized before signing of an agreement. Mrs. Burgess stated that the presented document was the final Intergovernmental Agreement that has had legal review and is recommended for approval. She stated that Ms. Smith is available for further questions if needed. Commissioner Davidson stated that it has been reviewed by all the commissioners and asked if there were any questions. None were asked. Commissioner Howard thanked the 4-H for the work completed.

Commissioner McClure moved approval of the Blue Mountain Translator District and Union County 4-H & Extension Service District Intergovernmental Agreement. Commissioner Howard seconded. Motion carried unanimously.

Unclaimed Funds Transfer Court Order

Court Order 2015-30, In the Matter of Unclaimed Funds Transfer was presented for consideration. Mrs. Burgess presented Court Order at the request of the County Treasurer. She stated that ORS98.304 provides for the transfer of outstanding warrants and checks to the State Treasurer. Warrants and checks presented were more than two years old. Mrs. Burgess requested authorization to transfer funds to the State Treasurer, as required by statute.

Commissioner McClure moved approval of Court Order 2015-30. Commissioner Howard seconded. Motion carried unanimously.

Appointment of Budget Committee Member

Court Order 2015-31, In the Matter of Appointment to the Union County Budget Committee Member was presented for consideration by Administrative Officer Shelley Burgess. She stated that the resignation of current member Cedric Shanks was received; his term would not expire until December 31, 2017 so the position needs to be filled. She stated that notification was given and applications were to be submitted by October 15, 2015. Two applications were received: J. Calvin Dykes and Stacey Candlish.

Commissioner Howard stated that he prefers Ms. Candlish, who is current Branch Manager of US Bank in La Grande and Elgin. She has an excellent background, graduated from U of O with a business degree. He stated that it is nice, as an older white male, to start seeing some diversity in the county committees.

Commissioner McClure stated that Commissioner Howard's choice is fine. He stated that as a commissioner, he had the opportunity to serve with two women at the same time, Nellie Bogue Hibbert and Colleen MacLeod; he has seen diversity in the county representation, and also includes Shelley Burgess. He stated that diversity is something to consider. Commissioner McClure stated that Mr. Dykes would not be a bad choice either. He added that bank managers have served on the budget committee numerous times in the past. Mrs. Burgess stated that Rob George served for a number of years. He stated that they tend to make good budget committee members as they make loans and understand numbers. **Commissioner McClure moved appointment of Stacey Candlish to the Union County Budget Committee, and approval of Court Order 2015-31, In the Matter of Appointment to the Union County Budget Committee Member. Commissioner Howard seconded. Motion carried unanimously.**

Commissioner Davidson stated that both applicants were well-qualified.

Commissioner Howard noted the need to follow up on Lois Barry's earlier comment regarding transparency; he asked if the budget committee applicants and their qualifications are made available on the county website. Mrs. Burgess stated that she normally does not; Commissioner Howard stated he thinks they should think about that.

Request for Signature on Street Vacation Petition

Shelley Burgess reported a request has been received that the county sign a Petition to Vacate a portion of the right-of-way along J Avenue. She stated that in order for the petition to move forward before the City of La Grande, a percentage of property owners along J Avenue must sign the petition.

Brian Harvey, speaking as a private citizen, is the Chairman of the Board for Eastern Oregon Youth For Christ, who owns a building on the corner of J and Second. He stated that it is mostly an outreach program to high school and middle school students. He stated that the building has become much too small for the number of kids who are served lunch there; the goal is to build a larger building and they need the city to vacate a ten-foot strip of land along the property. City of La Grande requires 100% of the adjacent land owners, and also a percentage of land owners in the notification area. He stated that they have large community support and the school district has signed the petition. Mr. Harvey stated that he is asking the commission to sign the petition as a notification area land owner. He stated that the actual vacation would be on Second to Fourth Streets on J Avenue. He stated that although he cannot speak for the City, Public Works has informed him that they have no interest in developing sidewalks in that area.

Commissioner McClure asked for clarification about the section; Mr. Harvey clarified it is from the church to high school on J Avenue on both sides of the street. Commissioner McClure asked if the right-of-way would change from 60 feet to 40 feet; Commissioner Davidson stated that he believes it is an 80-foot right-of-way currently; Mr. Harvey agreed and added that there will remain a right-of-way for utilities. Commissioner Davidson stated that he completely supports it and wished that the commission had been brought in sooner so that the vacation would have included J Avenue all the way to Sixth Street since there are no practical reasons to leave the three blocks out of it. He stated that he wouldn't want to change the petition for that reason at this point. Mr. Harvey stated that they didn't anticipate an interest by other entities at the time of initiating the petition.

Commissioner McClure asked if the vacation would cause a problem for utilities. Mr. Harvey stated no because the utilities are in a different section of the right-of-way. He added that most land owners are currently using the land already. Commissioner Davidson stated that there have been a lot of vacations similar to this one in the older sections of town that were originally platted with a larger right-of-way and that this has been going on for years and years.

Commissioner McClure moved approval of Union County signature on the Petition to Vacate a Portion of Right of Way of J Avenue from Fourth to Second Streets. Commissioner Howard seconded. Motion carried unanimously. The meeting was recessed.

Meeting reconvened at 10:00 a.m.

10:00 a.m. Ordinance 2015-02, 1st reading

Ordinance 2015-02, Opting Out of All Six State Licensed or Registered Marijuana Businesses

Mrs. Burgess reviewed the process that has been followed up to this date. She stated that during the July 15, 2015 commission meeting, the 2015 marijuana legislation was

discussed; information was received from the Association of Oregon Counties regarding the legislation that had been passed and the options that were available to the commissioners. She stated that after the meeting, staff was directed to prepare an ordinance and publish notification of a public hearing to consider Opting Out of all Six State Licensed or Registered Marijuana Businesses. The public hearing was held on September 2, 2015; a fair amount of testimony was heard. Due to continued interest and time restraints, the public hearing was continued on September 16, 2015, at which time additional testimony was accepted. The public hearing was closed on September 16. On October 7, the marijuana discussion was on the agenda and the commission heard staff reports. These reports were a result of questions that the commission had from the September 16 hearing regarding land use, regulations, and potential land use actions that the county could take, and information about how other counties were handling the issue. The first reading of Ordinance 2015-02 was scheduled for October 21. The noticed was posted on the county website and advertised in the newspaper. She stated that she provided some updated data on the most recent action of other jurisdictions, as requested by the commissioners. The data includes information from OLCC website and a map provided by legal counsel for the AOC, Rob Bovett. She stated that the OLCC data may be more current.

Commissioner McClure asked if the commission would need to hear more testimony. Commissioner Davidson stated that the public hearing had been closed and no further testimony would be heard. **Commissioner McClure moved to pass Ordinance 2015-02, In the Matter of Opting Out of All Six State Licensed or Registered Marijuana Businesses. Commissioner Davidson seconded.**

Commissioner McClure stated that he is satisfied opting out now knowing the county can opt in later. He stated that the state rules are not finalized yet. He believes the OLCC is dealing with it inadequately, as their meeting to finalize the rules is limited to 100 people, first-come, first-serve. Controversy continues to surround this issue and it is a long way from being completed. He stated that he reserves his right to vote differently if it is best for community, there just is not enough information yet. He considers this to be an interim decision until the state finalizes the rules; it is strange that counties were given six months and the state was given one year to make the rules, it was a ridiculous decision on the part of the Legislature. He believes the rules should have been set first, and then counties could make their decision based on them. He stated that he has heard both arguments; the county is not deciding to roll back the laws of recreational marijuana, just deciding at what level the county will participate. It is hard to make a final decision without the final rules. It is not the end of marijuana discussions. He pointed out that one of the Presidential nominees, Governor Christie, has stated that if he became president, the marijuana laws would be enforced in all states. He believes that a new set of rules could be enacted with a new national administration and having a system that allows marijuana could affect federal grant money. Commissioner McClure believes the prudent decision would be to opt out and have the opportunity to opt in later. He wants to continue the discussion and follow as it goes forward.

Commissioner Howard stated that he will reserve the bulk of his objections for the second reading. He stated that it is a poorly written ordinance and, more concerning to him is that the voters should have had a chance to vote on this ordinance. By referring it to the voters of Union County, the county would have implemented an opt out, allowing the voters to exercise their full rights under state law.

Commissioner Davidson stated that Commissioner McClure has covered the broad gambit of the issue. He stated that the authority given to the commissioners in HB3400 is rooted in fact that more than 55% of Union County voters opposed the passage of Measure 91. He stated that he and Commissioner Howard will disagree on the fact that the voters have weighed in on the issue and had a chance to vote, and he respects his opinion. He stated that the vote was held just last November and there has been no significant amount of information to inform a different decision. Commissioner Davidson stated that OLCC is still in the rule-making process; agenda for their next meeting states it is a temporary marijuana rules package, indicating that even the OLCC recognizes that the rules will continue to be modified. He stated that the community will be well served to wait to see how the rules are formed, how they are enforced, and the effect they have on other communities. He feels secure in his belief that the commission is taking the correct action; as they become more informed and the implementation of marijuana legalization is felt across the state, it can be reconsidered as a board action or referral to the voters at that time.

Roll Call; Commissioner Howard: Opposed, Commissioner McClure: Yes, and Commissioner Davidson: Yes. Motion carried.

The second reading of Ordinance 2015-02, Opting Out of All Six State Licensed or Registered Marijuana Businesses was scheduled for November 4 at 10:00 A.M.

Adjournment

The meeting was adjourned at 10:13 a.m.

Respectfully Submitted,

Lorcinda Johnston
Sr. Dept. Specialist II