

Union County Board of Commissioners
May 15, 2018

Present: Commissioner Steve McClure
Commissioner Jack Howard
Commissioner Donna Beverage

Commissioner Beverage opened the meeting at 9:00 a.m. and the pledge of allegiance was given with all three commissioners present.

Public Comments

No public comments were offered.

Elected Official, Department Head & Employee Comments

Building Department Update

Brian Don, Building Official, presented a quarterly update to the Commissioners. Changes on the state level will affect the budget as all jurisdictions must employ its own electrical inspector; the local office is making changes to meet the new requirement by June 3. He is encouraging someone local to take the electrical inspector test and is also recruiting outside of the city to fill the position. The State will provide some services on a limited basis through June 3.

Commissioner McClure asked for more information about changes negotiated in the employees' labor union contract. Mr. Don stated that a Cost of Living Allowance and an additional floating holiday was included in the negotiations. Commissioner McClure asked if the budget had been approved by the City of La Grande. Mr. Don stated that it was approved by the budget committee, but had not yet been presented to the La Grande City Council. Commissioner McClure stated that his understanding was that the Commission would be consulted on the draft before being presented to the City. Mr. Don stated that the City does not allow him to release the information to the County until it is available to the public; he suggested that a request be made to the City Manager to release the information to the Commission sooner. Commissioner McClure stated that once the proposal has been presented to the city's Budget Committee, the Commissioners' comments are not valuable; the information could have been provided to the Commission sooner. Commissioner McClure stated that this had been an issue in the past and was resolved; he expected to see the proposal before it was presented to the Budget Committee. Mr. Don stated that it was not his intent to withhold information from the Commission; he emailed it to the Commissioners' office as soon as it was made available to him.

Commissioner McClure stated that the Building Department's administrative costs are excessive, but the services could not be provided by the County if it had its own department. He stated that he appreciated Mr. Don's efforts and added that the County does not receive complaints about the Building Department.

Planning Department Legal Intern

Commissioner Howard requested to amend the agenda to allow for discussion with Union County Planning Director, Scott Hartell; there were no objections.

Scott Hartell, Planning Director, stated that he was seeking feedback from the Commissioners regarding establishing a legal intern position in the Planning Department.

Commissioner Howard stated that the intern position would not be a salaried position, but could receive a stipend. Willamette University places second-year students in this type of position; it would encompass a limited rule of practice and require a supervising attorney.

Mr. Hartell stated that there is some concern that staff is implementing State law and should not make arguments with constituents on a legal basis. Having a legal intern on staff could be very useful.

Commissioner McClure asked about position requirements and if the County would be protected if an issue went to court under the advice of the legal intern.

Commissioner Howard stated that the intern would have a limited license of practice and would not give legal advice, but could provide land use law advice. This person would work under Scott Hartell and be supervised by County Counsel, but would not act in the capacity of the County.

Commissioner Beverage stated that other Counties have used this as a resource and she would be willing to consider the suggestion.

Commissioner Howard stated that the application deadline was May 21 and no commitment would be made by applying.

Shelley Burgess, Administrative Officer, stated that there are very strict rules regarding payment to interns, as well as liability and insurance coverage questions.

Resolution 2018-06, Opposing Initiative Petitions 43 and 44

Commissioner Beverage presented Resolution 2018-06 for discussion and consideration.

Mrs. Burgess stated that County Counsel reviewed the resolution from Harney County; the proposed resolution was amended based on legal advice.

Commissioner McClure stated that the proposed penalties were excessive.

Commissioner Beverage stated that Oregon already has numerous gun laws in place; the initiatives would just add more restrictions and go against the Second Amendment.

Commissioner Howard wondered why the Commissioners were considering action before the issues were placed on the ballot for voters. He did not know why the two initiatives would be linked together for a resolution from the Commission and was more offended with 43 than 44. He suggested letting the voters decide on the issue.

Commissioner McClure concurred that 43 is ridiculous. Although 44 creates an inconvenience for gun owners, he could see how there may be liability concerns with current laws if a gun in the wrong hands caused harm to someone.

Commissioner Howard stated that it would be inappropriate to base a County ordinance on another county's ordinance. Gun control is an important issue considering mental illness, but he

does not think that laws will always be followed. He suggested moving the discussion to a work session.

The Commissioner Work Session was scheduled to take place on Wednesday, June 13 at 9:00 a.m.

Consent Agenda

Commissioner McClure moved approval of the Consent Agenda, which included Claims Journals from May 1, 2, and 3; Meeting Minutes from January 17, February 7, and February 21. Commissioner Howard seconded. Motion carried unanimously.

Administrative Matters

Court Order 2018-18, Appointment of a Budget Officer for the Union County 4-H & Extension Service District for FY2018-19

Shelley Burgess, Administrative Officer, stated that the Commissioners would be acting in their capacity as Board of Directors for the 4-H & Extension Service District to designate a budget officer. Robin Maille is informed on the operations of the District and is willing to serve.

Commissioner Howard waived the full reading of the court order and there were no objections.

Commissioner Howard moved approval of Court Order 2018-18. Commissioner McClure seconded. Motion carried unanimously.

Commissioner Beverage recessed the meeting and called it back to order.

Commissioner Howard made a motion to amend the agenda to allow for executive sessions to be moved from a later time in the meeting to the current time. Commissioner McClure seconded. Motion carried unanimously.

Executive Session

Commissioner Beverage recessed the meeting for executive sessions under ORS 192.660(2)(e) and ORS 192.660(2)(e) and then called it back to order.

Updated Weed List

Brian Clapp, Union County Weed Supervisor, 10507 McAllister Road, Island City, stated that the Weed Board met and approved the Union County Noxious Weed list. Mr. Clapp presented the updated weed list and explained the changes. He stated that he was seeking adoption from the Commissioners to allow for publication in the newspaper.

Commissioner Howard asked about the appropriate process to adopt the list. Mrs. Burgess stated that following a presentation of the weed list a formal motion would be needed.

Commissioner McClure moved approval of the updated Union County Noxious Weed list as presented. Commissioner Howard seconded.

Commissioner Howard stated that it was unclear if adoption would replace a prior list and if the prior list was adopted through a resolution or ordinance.

Mrs. Burgess asked Mr. Clapp if the proposed update included all noxious weeds to be listed in Union County; Mr. Clapp stated that it did.

Commissioner Howard stated that he was concerned that there could be an unintentional omission without the prior list available for review. He was also concerned about the public not having the opportunity to comment on the list prior to adoption.

Alan Guttridge, Union County Weed Board Chair, stated that the previous weed list was created by the Weed Board and presented to the Board of Commissioners. The last several years additional verbiage was included that was determined to be inappropriate. This year the Weed Board requested to replace the old weed list with an updated 2018 list, which includes weed identification by class according to ORS.

Commissioner Howard asked if anything would be lost from prior forms, such as the watch list. Mr. Guttridge stated that no such concerns were raised in discussions with the Weed Board.

Commissioner Beverage stated that the previous lists included personal information that was not necessary for publication and determined to be inappropriate.

Commissioner Howard stated that he was a little nervous to adopt an updated list without the ability to compare it to the old list and asked if there was an urgency to adopt the list. Mr. Clapp stated that immediate adoption of the list was not necessarily urgent.

Commissioner Howard withdrew his motion to second adopting the updated weed list.

Commissioner Beverage seconded the motion to adopt the updated Union County Noxious Weed list as presented.

Commissioner Howard stated that he would not object to Commissioner Beverage seconding the motion to adopt the updated weed list from the Chair, but discussion should take place. It was unclear if the prior document was a resolution or an ordinance and he wanted to be sure something was not missed in the updated list. It is possible that it would be inappropriate to adopt the list without opportunity for public comment. This could be a procedural mistake and the Commission still needs to follow the basic rules of lawmaking.

Roll Call on adopting the weed list as presented: Commissioner Howard, abstain. Commissioner McClure, yes. Commissioner Beverage, yes. Motion carried.

Union County Weed Board Presentation

Brian Clapp (Union County Weed Supervisor), Samantha Bernards (Tri-County CWMA), Scott Schaefer (Wallowa-Whitman National Forest), and Mark Porter (Oregon Department of Agriculture) presented an update on noxious weed control efforts in Union County by each

entity. Discussion included types of weeds and control efforts, acreage, and funds expended in Union County, as well as private partnerships.

Commissioner McClure thanked the Weed Board for successfully campaigning for the passage of a Union County levy to fund the Weed Program. He hopes that the program continues to succeed so that it will be renewed in five years.

Next Meeting and Location

The next regular Commission meeting is scheduled to take place at the Joseph Annex Building on June 6, 2018 at 9:00 a.m.

Adjournment

Commissioner Beverage adjourned the meeting.

Respectfully Submitted,

Lorcinda Johnston
Sr. Dept. Specialist II