

**Legal Counsel Update: March 21, 2017**

**2:00 p.m. – Board Conference Room**

Attending: Commissioners Simon G. Hare (2:09 p.m.), Lily N. Morgan, and Daniel E. DeYoung; Wally Hicks and Pat Ellison, Legal Counsel; Terri Wharton, Recorder

Vice Chair Lily N. Morgan called the meeting to order at 2:02 p.m.

**1. Order No. 2017-015; In the Matter of Determination as to a Dog Impounded under the Authority of ORS 609.155 for Killing, Wounding, Injuring or Chasing Livestock**

Wally Hicks, County Legal Counsel, advised the Order would approve the Pledge from the Stephanie Meads the owner of the dog. *Staff was directed to place the item on the Consent Calendar on next week's Weekly Business Session Agenda.*

**2. Gardiner Livestock - Presentation of Claim - ORS 609.170**

Wally Hicks explained Commissioner DeYoung was to hear this case on behalf of the Board, and that Legal Counsel and Animal Control determined there was sufficient evidence. Wally distributed **Exhibit 1 – Letter from Zachary Robinson, DVM** and advised the livestock owners are asking the County for reimbursement for the animal from the Dog License Fund. He asked if the Board wanted to hold a hearing to make that determination. The Board agreed to send this case to a Hearings Officer since the livestock owner is a County representative for the Rural Planning Commission.

**3. Matters from Commissioners - ORS 192.640(1)**

The Board agreed the Levy Fact Sheet was finalized and ready to distribute. The Board also agreed to place the Fact Sheet on the Board's webpage with a link on the front page.

Commissioner Morgan mentioned she would like to speak with Dan Buck, Moving Mountains, to discuss the flyer they presented and the Board agreed.

Commissioner DeYoung discussed potential hazards at the Fairgrounds but wasn't sure of Building Operations procedures. Commissioner Hare said he would reach out to Ryan Johnson, Building Operations Manager, to discuss this.

Commissioner Hare asked if the adoption of the Codification of the Code requires a timeline similar to a property sale and suggested it coincide with the end of the fiscal year of calendar year.

Chair Simon G. Hare called for Executive Session at 2:35 p.m. Minutes filed separately.

**4. EXECUTIVE SESSION:**

**a. Josephine County vs. Quality Water, Inc., et al - ORS 192.660(2)(h)**

**b. Potential Discipline of a County Officer – ORS 192.660(2)(b) (Scofield)**

Executive Session Adjourned at 3:27 p.m.

The Board reported the following:

Agenda Item #4a: Legal Counsel to pursue the issue and bring back a solution.

Agenda Item #4b: No specific direction.

Commissioner Morgan asked Legal Counsel for information regarding recreational immunity.

Meeting adjourned at 3:32 p.m.

**EXHIBITS**

**Exhibit 1 – Letter from Zachary Robinson, DVM**

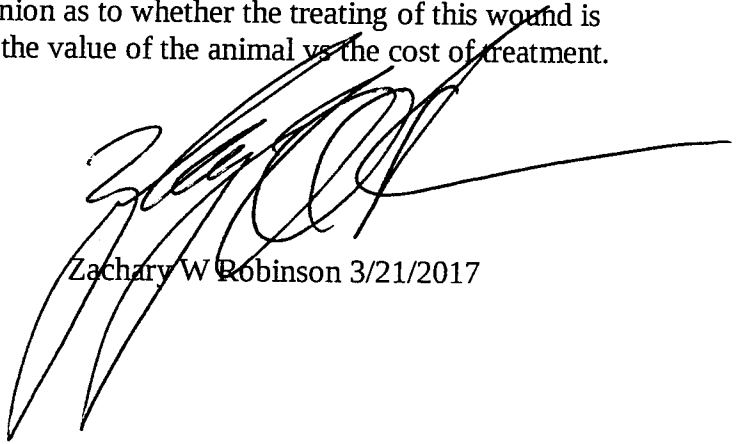
Zachary W Robinson DVM  
102 Hogue Drive  
Selma, OR 97538  
(541) 592-2338

EXHIBIT 1  
Legal  
3/21/17

To whom it may concern:

I have been asked to give my opinion with regards to the likely prognosis for recovery of the alpaca which was injured by dog bite on 3/6/2017.

In my opinion, with proper treatment, the eventual prognosis for recovery of this animal is excellent. I do not feel that I can render an opinion as to whether the treating of this wound is economically viable, as that would depend on the value of the animal vs the cost of treatment.



Zachary W Robinson 3/21/2017