

WEEKLY BUSINESS SESSION – December 20, 2017

9:00 a.m. – Anne G. Basker Auditorium
600 N.W. Sixth Street, Grants Pass, OR 97526

Present: Simon G. Hare, Chair; Lily N. Morgan, Vice-Chair; and Daniel E. DeYoung, Commissioner; Wendy Watkins, Recorder

These are meeting minutes only. Only text enclosed in quotation marks reports a speaker's exact words.

Pursuant to notice through the media and in conformance with the Public Meeting Law, Simon G. Hare, Chair, called the meeting to order at 9:00 a.m.

Items discussed were as follows:

1. ADMINISTRATIVE ACTIONS IN CONSIDERATION OF:

BOARD DECISIONS UNDER ADMINISTRATIVE ACTIONS WERE MADE AFTER PUBLIC COMMENT WAS RECEIVED

- a. **Approval of Order No. 2017-062; In the Matter of Closing the Library Programs Trust Fund (Fund 74); Transfer of Fund Balance to The Josephine County Library Foundation, Inc.** *(One original Order filed with the County Clerk)*

Wally Hicks, County Legal Counsel, mentioned this order will transfer the Kaye Jean Turner Library Trust Fund and the George R. Borders Memorial Trust Fund to the Josephine County Library Foundation, Inc.

- b. **Approval of Order No. 2017-063; In the Matter of Authorization of the Conveyance of County Real Property not in Use for County Purposes; and Quitclaim Deed to The Josephine County Library Foundation, Inc., for property at 7755 Rogue River Highway, Jackson County, Oregon (36-04-20D-4701)** *(One original Order filed with the County Clerk and one original Quitclaim Deed returned to Legal to be recorded)*

Mr. Hicks explained this transfers property from Josephine County to the Josephine County Library Foundation, Inc.

- c. **Approval of Termination of Grant Agreement with Josephine Community Libraries, Inc., for Library Services** *(Two original Termination Grant Agreements returned to Legal for full execution)*

Mr. Hicks advised this terminates the grant agreement with Josephine Community Libraries, Inc.

- d. **Approval of Termination of Lease Agreement with Josephine Community Libraries, Inc. (JCLI), for lease of County Property at 200 NW "C" Street (Library Main Branch)** *(Two original Termination Lease Agreements returned to Legal for full execution)*

Mr. Hicks said this terminates the lease agreement with Josephine Community Libraries, Inc.

- e. **Approval of Termination of Lease Agreement with Josephine Community Libraries, Inc. (JCLI), for lease of County Property at 209 W. Palmer Street, Cave Junction (Illinois Valley Branch Library)** *(Two original Termination Lease Agreements returned to Legal for full execution)*

Mr. Hicks provided this terminates the lease agreement with Josephine Community Libraries, Inc.

- f. **Approval of Order No. 2017-064; In the Matter of Authorization of Lease Agreement with Josephine Community Library District for Lease of County Property: Main Library at 200 NW "C" Street; and Lease Agreement** *(One original Order filed with the County Clerk and two original Lease Agreements returned to Legal for full execution)*

Mr. Hicks mentioned this authorizes the lease agreement with the Josephine Community Library District.

- g. **Approval of Order No. 2017-065; In the Matter of Authorization of the Conveyance of County Real Property not in Use for County Purposes; and Quitclaim Deed to Josephine Community Library District for property at 209 W. Palmer St., Cave Junction, OR (39-08-21-AB-002200-00)** *(One original Order filed with the County Clerk and one original Quitclaim Deed returned to Legal to be recorded)*

Mr. Hicks mentioned this authorizes the lease agreement with the Josephine Community Library District.

- h. **Approval of Order No. 2017-066; In the Matter of Declaring County-Owned Personal Property as Surplus; Transfer of Williams Branch Library Building, and Transfer of Library Collections/Assets to Josephine Community Library District** *(One original Order filed with the County Clerk)*

Mr. Hicks discussed this transfers the Williams Branch Library Building and the Library collection and assets to the Josephine Community Library District.

- i. **Approval of Bill of Sale – Sale Agreement for Personal Property, for Transfer of Williams Branch Library Building to Josephine Community Library District** *(One original Bill of Sale returned to Legal for full execution)*

Mr. Hicks explained this is the transfer of the Williams Branch Library Building to the Josephine Community Library District.

- j. **Approval of Non-Union Compensation Adjustment** *(Motion only – no documents)*

JJ Scofield, Human Resources Director, discussed the two unions associated with the County are set to get a Cost of Living Adjustment (COLA) on January 1, 2018 and recommends the non-union employees get a 2.4% COLA as well.

2. REQUESTS/COMMENTS FROM CITIZENS: *(Each person will be given three (3) minutes to speak)*

Judy Ahrens, Josephine County, read **Weekly Business Session – December 20, 2017 (Exhibit 1)**.

Sandi Cassanelli, Merlin, read and submitted **Weekly Business Session – December 20, 2017 (Exhibit 2)**.

Raymond Smith submitted his email for the record **Public Comment, December 20, 2017 (Exhibit 3)**.

Board Discussion and Action – Agenda Item 1(a)(b)(c)(d)(e)(f)(g)(h)(i)

Commissioner DeYoung made a motion to approve Order No. 2017-062; In the Matter of Closing the Library Programs Trust Fund (Fund 74); Transfer of Fund Balance to The Josephine County Library Foundation, Inc.; Order No. 2017-063; In the Matter of Authorization of the Conveyance of County Real Property not in Use for County Purposes; and Quitclaim Deed to The Josephine County Library Foundation, Inc., for property at 7755 Rogue River Highway, Jackson County, Oregon (36-04-20D-4701); Termination of Grant Agreement with Josephine Community Libraries, Inc., for Library Services; Termination of Lease Agreement with Josephine Community Libraries, Inc. (JCLI), for lease of County Property at 200 NW "C" Street (Library Main Branch); Termination of Lease Agreement with Josephine Community Libraries, Inc. (JCLI), for lease of County Property at 209 W. Palmer Street, Cave Junction (Illinois Valley Branch Library); Order No. 2017-064; In the Matter of Authorization of Lease Agreement with Josephine Community Library District for Lease of County Property: Main Library at 200 NW "C" Street; and Lease Agreement; Order No. 2017-065; In the Matter of Authorization of the Conveyance of County Real Property not in Use for County Purposes; and Quitclaim Deed to Josephine Community Library District for property at 209 W. Palmer St., Cave Junction, OR (39-08-21-AB-002200-00); Order No. 2017-066; In the Matter of Declaring County-Owned Personal Property as Surplus; Transfer of Williams Branch Library Building, and Transfer of Library Collections/Assets to Josephine Community Library District; Bill of Sale – Sale Agreement for Personal Property, for Transfer of Williams Branch Library Building to Josephine Community Library District, seconded by Commissioner Morgan. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Morgan – yes, and Commissioner Hare – yes.

Board Discussion and Action – Agenda Item 1(j)

Commissioner DeYoung made a motion to approve Non-Union Compensation Adjustment, seconded by Commissioner Morgan. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Morgan – yes, and Commissioner Hare – yes.

3. APPROVAL OF CONSENT CALENDAR:

- a. **Position Requisition for a Chief Administrative Supervisor in Legal Counsel** *(One original Position Requisition returned to Human Resources)*
- b. **Oregon Military Department, Office of Emergency Management, Performance Grant Agreement CFDA #97.042, Grant No: 17-517** *(One original Agreement filed with the County Clerk and one original Agreement returned to Finance)*
- c. **IGA #AJW-001837 between the FAA and Josephine County Airports for Flight Check of New Runway Lighting at the Illinois Valley Airport** *(One original IGA filed with the County Clerk and one original IGA returned to Airports)*
- d. **Task Order No 11, Amendment No 4 Consultant Services Agreement between Josephine County Airports and WHPacific Engineering for Additional Services during Construction for Westside Hangar Access and Taxiway Construction** *(One original Task Order filed with the County Clerk and one original Task Order returned to Airports)*
- e. **Order No. 2017-060; In the Matter of Administrative Policies and Procedures for Josephine County for the Purpose of Conducting Business on a Daily Basis: Personnel Policy** *(One original Order and Personnel Policy filed with the County Clerk)*
- f. **Order No. 2017-061; In the Matter of the Regular Weekly Business Meeting of the Board of County Commissioners for the Week of December 25, 2017** *(One original Order filed with the County Clerk)*

- g. **Amendment to Grant Agreement with Oregon Department of Forestry for Title III Funds** *(One original Amendment filed with the County Clerk and one original Amendment returned to Finance)*
- h. **Resolution No. 2017-055; In the Matter of a Reappointment to Josephine Housing and Community Development** *(One original Resolution filed with the County Clerk)*

Board Discussion and Action:

Commissioner Morgan made a motion to approve the Consent Calendar Agenda Items 3(a) through 3(h) as listed with an amendment to item 3(a) changing the job description to exempt status, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Morgan – yes, and Commissioner Hare – yes.

- 4. **OTHER: (ORS 192.640(1))** “. . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.”)


None reported.

5. MATTERS FROM COMMISSIONERS:

Commissioner Morgan announced on January 11, 2018 from 5:00 – 8:00 p.m. there will be an open house for the Juvenile Justice Detention Center.

The Board wishes everyone a Merry Christmas.

Weekly Business Session adjourned at 10:15 a.m.


Wendy Watkins, Recorder

Entered into record:

Exhibit 1 – Judy Ahrens’ Weekly Business Session – December 20, 2017

Exhibit 2 – Sandi Cassanelli’s Weekly Business Session – December 20, 2017

Exhibit 3 – Raymond Smith’s Public Comment, December 20, 2017

Exhibit 1

WBS

12/20/17

Weekly Business Session - December 20, 2017

Today you are voting on some very significant items.....mainly dealing with our library districts. You should and must postpone this item for the following reasons. 1. Why not and 2 Why only a few days before Christmas. 3. My good reliable source indicates that you did not notify the media and interested persons ^{of} the total agenda packet. And that you only posted the entire package Monday, sometime between 2:29 PM and yesterday at 8AM.

It is not right; let me repeat, it is not right for you commissioners to burden the taxpayers who voted against taxing districts for library funding. This is unconscionable.

Again, this vote on *Agenda Item 1a-1 I* should be put off until the citizens of this community (who are busy with family at Christmas) have an opportunity to be informed on this very important item that affects them. Thank you

Judy Ahrens

Grants Pass, Oregon

Exhibit 2
WBS
12/20/17

Weekly Business Session – December 20, 2017

In Fiscal Year 2008/2009, shortly after the Josephine Community Library Inc. (JCLI) was formed, the County gave JCLI \$300,000. (\$70,000 legitimately came from the Library Fund but \$230,000 came from the General Fund.) Commissioner Dave Toler promised us a “forever library” with such a generous one-time give away.

Since the County is mandated to support the libraries by our local Charter, at that time JCLI and the County came to an agreement. The County would give JCLI all the initial book inventories, tables, chairs, bookcases, etc. and then continually allow JCLI the future use of the library buildings each year.

But that wasn't enough; the library people wanted permanent funding and put a taxing district on the November 4, 2014 ballot. It was defeated by a majority of the electorate of the entire county since most did not want to permanently support library services.

Undaunted, the library group took those precincts that voted “Yes” in that previous election and this year made up a taxing district composed primarily of only those “Yes” precincts. This was to ensure the district's passage, forever burdening 17 out of 47 precincts that primarily supported the library. On November 17, 2017, the district measure passed, but that was still not enough for the library group.

The County has even given JCLI well over \$200,000 in Economic Development money during the past 4 years. (04/9/2012 - \$ 30,000; 06/3/2013 - \$ 35,000; 10/7/2013 - \$ 30,000; 08/8/2014 - \$ 35,000; 08/27/2015 - \$35,000 and 09/23/2016 - \$35,000)

Still not enough for library supporters. Now the Library District and the Josephine County Library Foundation, Inc. want the County to gift them all library properties owned by the County. You Commissioners are today contemplating giving County assets that belong to all of the citizens of Josephine County in 47 precincts to a library district that only benefits 17 of those precincts. This is especially egregious, since the majority of the electorate in the County has voted against supporting a library district. You are clearly betraying the wishes of the majority of County voters in favor of a very select minority.

Unless you allow the majority of voters to change our County Charter, what you are doing today will not sever the County's obligation to the libraries and will forever allow the library district to bleed out our County resources.

Section 14.5 of the Josephine County Charter states that "The Board shall provide for the support and maintenance of the main library and library branches." [Amended November, 1992]

The transfer of property from the County to a Library District is in violation of our County Charter which clearly puts the sole authority for library support and maintenance into the hands of the Board of Commissioners.

Article VI Section 10 of the Oregon State Constitution states the adoption, amendment, revision or repeal of a county charter is **reserved to the legal voters of the county**. This transfer of authority must first be brought forth by the electorate to amend or revise the Charter, and cannot legally be done administratively by the Commissioners.

This Board is not benefiting County citizens by giving away our property. These actions will not allow for a clean break with the libraries, since by the Charter, the County will, and should, still be on responsible for library support and maintenance.

I also object to the fact that the County never sent the documents for this meeting to the "Media and Interested Persons" list. Only the agenda was sent out on Friday without public access to the documentation. The associated documents were not posted to the County website until late this past Monday and done so without informing the "Media and Interested Persons" list of such posting.

For the above reasons, I submit to the record, my objections to Items 1(a) through 1(i) on today's agenda.

Sandi Cassanelli
Merlin, Oregon

Exhibit 3
WBS
12/20/17

Rikki Perrin

From: Raymond Smith <raymondnlaurasmith@frontier.com>
Sent: Tuesday, December 19, 2017 11:25 PM
To: Board of Commissioners
Subject: Public comment, December 20, 2017

Josephine County

DEC 20 2017

Board of Commissioners

Please review these public comments and enter them into the record for the County Business Session dated December 20, 2017.

Chapter IV Section 14.5 of the Josephine County Charter states ;
"LIBRARY SUPPORT"

"The Board shall provide for the support and maintenance of the main library and library branches." [Amended November, 1992]

It appears to me that this transfer of property and authority from the County to the Josephine County Library Association will violate Section 14.5 of the charter.

The only legal way that this could be done is by an amendment or a revision to the County Charter.

In accordance with Article VI Section 10 of the Oregon State Constitution the power relative to the adoption, amendment, revision or repeal of a county charter is reserved to the legal voters of the county.

In short, before this could legally be done, an initiative or referendum would have to be brought forth by the electorate to amend or revise the charter to accommodate this. As clearly stated in the Ore. Constitution this power is reserved to the legal voters of the county.

It cannot be brought before the voters by the BCC, the JCLI or any other group, and it certainly cannot legally be done Administratively.

I also question the legality of the electorate approved taxing district that funds a non profit corporation.

Respectfully Submitted,
Raymond Smith