

**WEEKLY BUSINESS SESSION – February 22, 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; (Daniel E. DeYoung was unavailable); Wendy Watkins, Recorder

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

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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 Addendum to Jail Services Contract between Josephine County and the City of Grants Pass** *(One original Addendum filed with the County Clerk)*

Commissioner Hare mentioned this is an extension of an existing contract with the City of Grants Pass that will provide 28 jail beds to be utilized by public safety of Grants Pass.

- b. Approval of Contract between Josephine County and Siskiyou Cascade Construction Inc. for Clearing and Grubbing of the Grants Pass Airport West Hangar Taxilane Project Area** *(One original Contract filed with the County Clerk and one original Contract returned to Airports)*

Larry Graves, Airport Manager, discussed this is a federally funded project with the FAA paying for 90 percent of the work and the additional 10 percent match will be provided by the State of Oregon for removing all the trees and shrubs from a 5-acre area inside airport property.

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

Rycke Brown, Grants Pass, spoke about the jail services contract.

George Backus, Grants Pass, read and submitted Law Requires Lessons on Constitution (**Exhibit 1**).

Mark Seligman, Selma, spoke in opposition to the proposed levy.

Tony Minton, Wolf Creek, spoke in opposition to the proposed levy.

Joseph Rice, Josephine County, spoke about the Josephine County Republican Party.

Kevin Figgot, Josephine County, spoke about how important it is to teach kids the constitution.

Larry Ford, Grants Pass, spoke about federal lands and said they should give them back to the state.

**Board Discussion and Action – Agenda Item 1(a)**

Commissioner Morgan made a motion to approve Addendum to Jail Services Contract between Josephine County and the City of Grants Pass, seconded by Commissioner Hare. Upon roll call vote, motion passed 2-0; Commissioner Morgan – yes and Commissioner Hare – yes.

**Board Discussion and Action – Agenda Item 1(b)**

Commissioner Morgan made a motion to approve Contract between Josephine County and Siskiyou Cascade Construction Inc. for Clearing and Grubbing of the Grants Pass Airport West Hangar Taxilane Project Area, seconded by Commissioner Hare. Upon roll call vote, motion passed 2-0; Commissioner Morgan – yes and Commissioner Hare – yes.

**3. APPROVAL OF CONSENT CALENDAR:**

- a. Minutes** *(Draft minutes are available for viewing in the Board's Office)*

Legal Counsel Update – February 8, 2017

County Administration Workshop – February 9, 2017

General Discussion – February 14, 2017

Legal Counsel Update – February 14, 2017

- b. Order 2017-008; In the Matter of the Re-Adoption of the Josephine County Investment Policy** *(One original Order filed with the County Clerk)*

- c. Resolution No. 2017-010; In the Matter of an Appointment to the Josephine County Animal Shelter Advisory Committee** *(One original Resolution filed with the County Clerk)*

- d. **Resolution No. 2017-011; In the Matter of a Reappointment to the Josephine County Parks Board** *(One original Resolution filed with the County Clerk)*
- e. **Resolution No. 2017-012; In the Matter of Appointments to the Local Public Safety Coordinating Council** *(One original Resolution filed with the County Clerk)*
- f. **Resolution No. 2017-013; In the Matter of a Reappointment to the Local Alcohol and Drug Planning Committee** *(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(f) as listed, seconded by Commissioner Hare. Upon roll call vote, motion passed 2-0; 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.”)

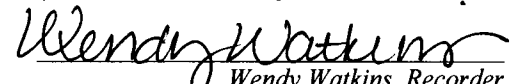
None reported.

**5. MATTERS FROM COMMISSIONERS:**

Commissioner Morgan discussed the meetings she attended in Salem last week and announced the SOS run on Saturday, March 4, 2017.

Commissioner Hare discussed the proposed law enforcement levy.

Weekly Business Session adjourned at 10:01 a.m.

  
Wendy Watkins, Recorder

**Entered into record:**

**Exhibit 1 - Law Requires Lessons on Constitution**

Exhibit 1  
WBS  
2/22/17





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### Law Requires Lessons on Constitution

Advertisement

By Valerie Strauss and Lori Aratani  
Washington Post Staff Writers  
Tuesday, July 19, 2005

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It's not often that first-graders, CIA agents, agriculture inspectors and airport security workers from coast to coast all receive a lesson on the same topic -- and on the same day -- but that is what's in store this September.

The subject is the U.S. Constitution, thanks to a new law fathered by Sen. Robert C. Byrd (D-W.Va.), who is worried that so many people don't know the first thing about the country's governing document that he decided to try to make sure they do.

Tucked into a massive appropriations bill approved without fanfare late last year by Congress is the requirement that every one of the estimated 1.8 million federal employees in the executive branch receive "educational and training" materials about the charter on Constitution Day, a holiday celebrating the Sept. 17, 1787, signing that is so obscure that it, unlike Arbor Day, is left off many calendars.

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That's not all: The law requires every school that receives federal funds -- including universities -- to show students a program on the Constitution, though it does not specify a particular one. The demand has proved unpopular with educators, who say that they don't like the federal government telling them what to teach and that it doesn't make the best educational sense to teach something as important as the Constitution out of context.

"We already cover the Constitution up, down and around," said August Frattali, principal of Rachel Carson Middle School in Fairfax County. But, he chuckled, "I'm going to follow the mandates. I don't want to get fired."

Mark Stout, social studies coordinator for Howard County public schools, had a similar reaction when asked whether he would create a new program for the holiday: "We already have one of those. It's called our curriculum." Still, he too will advise schools how to comply.

Byrd was not available for comment, but his spokesman, Tom Gavin, said many teachers had called the senator to thank him for creating this opportunity to teach the Constitution. The law offers some leeway if the holiday falls on a weekend, as it does this September. Some agencies and schools will be carrying it out during the week before, others the week after.

Byrd, who prides himself on being the Senate's unofficial constitutional scholar, is expected to appear today at the National Archives when representatives from various federal departments and agencies meet to celebrate the launch of the "Constitution Initiative," according to Mike Beckman, acting deputy associate director for the Center for Leadership Capacity Services in the U.S. Office of Personnel Management.

Gavin said Byrd was motivated to pursue the law by long-standing concerns about the state of civic education in the country, fueled by surveys showing that many Americans have a better understanding of the intricacies of "American Idol" than they do about the foundations of their government.

According to Al Frascella, director of communications and government relations for the nonprofit National Council on the Social Studies, all but a few states require civic education as a high school graduation requirement, although

the quality of the programs is uneven. He said schools across the country are approaching the new law in different ways.

"Some are taking it seriously and some aren't," he said. "The key, of course, is enforcement, and there isn't any. There is no provision to enforce it."

Spokesmen for various federal agencies said yesterday that they were not sure how the law would be implemented.

Educators have received guidance from the Department of Education about how to implement the law and have been directed to various Web sites with lessons and information about the Constitution from which they can craft programs. The law offers no money to help with the lessons.

There seems, however, to be some confusion about exactly what the law requires.

Frascella said he reads it as meaning every student in every school must participate. At American University, a private school that nevertheless receives federal funds (and where Byrd graduated from law school), Haig Mardirosian, associate dean of academic affairs, said AU will offer students the opportunity to attend a symposium at which First Amendment scholars and educators will speak, and it will be telecast to different locations on campus. In Fairfax, Alice Reilly, K-12 social studies coordinator for the county school system, said it will be up to individual educators to decide how to craft their lessons.

Charles C. Haynes, senior scholar at the Arlington-based First Amendment Center, said the exercise in education seemed an "artificial way" to teach the essential subject.

"My concern is that this will be seen as a quick fix to a deeper problem," he said. "The problem isn't that we don't celebrate the Constitution. The problem is that we don't live it enough in our schools. . . . so the message to kids is that preparing for life in a democracy is not a high priority."

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# Schools ordered to observe 'Constitution Day'

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Feds set aside Sept. 17 for mandatory lessons on document

**AP** Associated Press

updated 5/24/2005 6:05:08 AM ET

WASHINGTON — The Constitution long has ensured that Congress can't tell schools what to teach. But that's no longer the case for at least one topic — the Constitution itself.

The Education Department outlined Tuesday how it plans to enforce a little-known provision that Congress passed in 2004: Every school and college that receives federal money must teach about the Constitution on Sept. 17, the day the document was adopted in 1787.

Schools can determine what kind of educational program they want, but they must hold one every year on the now-named "Constitution Day and Citizenship Day." And if Sept. 17 falls on a weekend or holiday, schools must schedule a program immediately before or after that date.

Historically, the federal government has avoided dictating what or when anything must be taught because those powers rest with the states under the 10th Amendment. The Education Department's Web site even underlines that point, saying matters such as the development of curricula and the setting of course requirements fall outside federal authority.

## Congressional lesson plan

But Congress stepped in when it came to the nation's foundational document, thanks to Sen. Robert Byrd, the West Virginia Democrat who keeps a copy of the Constitution in his pocket. Byrd inserted the Constitution lesson mandate into a massive spending bill in 2004, frustrated by what he called a huge ignorance on the part of many Americans about history.

It so happened that the Education Department's new guidelines emerged just as Byrd and the Senate, engaged in a fight over judicial filibusters, debated the Constitution's checks and balances.

Neither the department nor Congress has required a specific curriculum or a particular interpretation of the Constitution, Byrd said in an interview Monday.

"I hope that schools will develop many different, creative ways to enable students to learn about one of our country's most important historic documents," he said. "The Constitution protects their freedoms and will impact all facets of their lives."

Yet some education groups say Congress has no business dictating what schools and universities must do on a certain day.

## Some decry 'federal micromanagement'

In middle school or high school, for example, schools may have to interrupt lesson plans, said Dan Fuller, director of federal programs for the National School Boards Association.

"You may have to leap from the Civil War or Vietnam to the Constitution," Fuller said. "Local schools cover the Constitution, and they've been doing it for a long time. We don't need the federal micromanagement. Congress has been acting more like a school board."

In higher education, "It's the sort of thing that raises the question, 'If this, what's next?'" said Becky Timmons, senior director for government relations at the American Council on Education, the leading lobbying group for colleges and universities.

"If the justification is that the Constitution is so central to our democracy, couldn't somebody else come along and say, 'Well, I think the history of American architecture is quite important,'" she said. "I don't think most folks on campus perceive this to be an enormous slippery slope, but it's never good when the government tells them what to teach."

## Honor system

Timmons added, however, she was pleased that the Education Department seemed to favor an honor system of compliance rather than a "nightmarish" plan of site visits or required documentation. She said colleges would likely come up with many ways to satisfy the law, from holding a campus assembly on the Constitution to distributing information in every class.

Department spokeswoman Susan Aspey said "there are enforcement options" that may apply but said it is too early to speculate on what happens if schools don't follow the law.

"We expect institutions to comply," Aspey said. The department's guidelines direct schools to Web sites for information, including the one run by the National Archives.

The federal law championed by Byrd also affects all federal agencies. They will have to train new employees about the Constitution during orientation and train all employees about the document every Sept. 17. The Office of Personnel Management is expected to post guidelines in those areas soon.

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HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
105 .....	36:143.	May 18, 1928, ch. 643, 45 Stat. 617; Sept. 22, 1959, Pub. L. 86-352, 73 Stat. 627.

§ 106. Constitution Day and Citizenship Day

(a) DESIGNATION.—September 17 is designated as Constitution Day and Citizenship Day.

(b) PURPOSE.—Constitution Day and Citizenship Day commemorate the formation and signing on September 17, 1787, of the Constitution and recognize all who, by coming of age or by naturalization, have become citizens.

(c) PROCLAMATION.—The President may issue each year a proclamation calling on United States Government officials to display the flag of the United States on all Government buildings on Constitution Day and Citizenship Day and inviting the people of the United States to observe Constitution Day and Citizenship Day, in schools and churches, or other suitable places, with appropriate ceremonies.

(d) STATE AND LOCAL OBSERVANCES.—The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1255; Pub. L. 108-447, div. J, title I, §111(c)(1), Dec. 8, 2004, 118 Stat. 3344.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
106(a) .....	36:153 (1st par., 1st-13th words).	Feb. 29, 1952, ch. 49, §1, 66 Stat. 9.
106(b) .....	36:153 (1st par., 14th word—words before “and the President”).	
106(c) .....	36:153 (1st par., words after “of citizenship”).	
106(d) .....	36:153 (2d, last pars.).	

In subsection (d), the text of 36:153 (last par.) is omitted as obsolete.

AMENDMENTS

2004—Pub. L. 108-447, §111(c)(1)(A), inserted “Constitution Day and” before “Citizenship Day” in section catchline.

Subsec. (a). Pub. L. 108-447, §111(c)(1)(B), substituted “is designated as Constitution Day and Citizenship Day” for “is Citizenship Day”.

Subsec. (b). Pub. L. 108-447, §111(c)(1)(C), inserted “Constitution Day and” before “Citizenship Day” and substituted “commemorate” for “commemorates” and “recognize” for “recognizes”.

Subsec. (c). Pub. L. 108-447, §111(c)(1)(D), inserted “Constitution Day and” before “Citizenship Day” in two places.

Subsec. (d). Pub. L. 108-447, §111(c)(1)(E), inserted “Constitution Day and” before “Citizenship Day”.

EDUCATIONAL AND TRAINING MATERIALS FOR NEW FEDERAL EMPLOYEES CONCERNING THE U.S. CONSTITUTION

Pub. L. 108-447, div. J, title I, §111, Dec. 8, 2004, 118 Stat. 3344, provided that:

“(a) The head of each Federal agency or department shall—

“(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

“(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

“(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

“(c) [Amended section 106 of this title and table of contents of this chapter.]

“(d) This section shall be without fiscal year limitation.”

§ 107. Columbus Day

The President is requested to issue each year a proclamation—

(1) designating the second Monday in October as Columbus Day;

(2) calling on United States Government officials to display the flag of the United States on all Government buildings on Columbus Day; and

(3) inviting the people of the United States to observe Columbus Day, in schools and churches, or other suitable places, with appropriate ceremonies that express the public sentiment befitting the anniversary of the discovery of America.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
107 .....	36:146.	Apr. 30, 1934, ch. 184, 48 Stat. 657.

In clause (1), the words “the 2d Monday in October” are substituted for “October 12” in the Act of April 30, 1934 (ch. 184, 48 Stat. 657), because of section 1(b) of the Act of June 28, 1968 (Public Law 90-363, 82 Stat. 250).

§ 108. Constitution Week

The President is requested to issue each year a proclamation—

(1) designating September 17 through September 23 as Constitution Week; and

(2) inviting the people of the United States to observe Constitution Week, in schools, churches, and other suitable places, with appropriate ceremonies and activities.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
108 .....	36:159.	Aug. 2, 1956, ch. 875, 70 Stat. 932.

§ 109. Father's Day

(a) DESIGNATION.—The third Sunday in June is Father's Day.

(b) PROCLAMATION.—The President is requested to issue a proclamation—

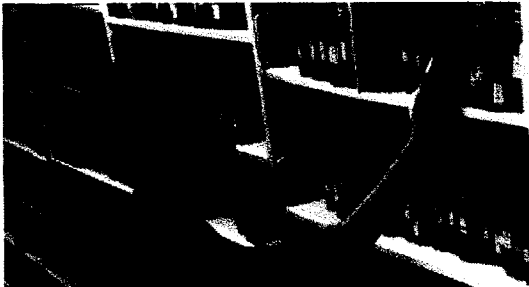
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### Overview

Constitution Day and Citizenship Day is observed each year on September 17 to commemorate the signing of the Constitution on September 17, 1787, and “recognize all who, by coming of age or by naturalization, have become citizens.”

This commemoration had its origin in 1940, when Congress passed a joint resolution authorizing and requesting the President to issue annually a proclamation setting aside the third Sunday in May for the public recognition of all who had attained the status of American citizenship. The designation for this day was “I Am An American Day.”

In 1952 Congress repealed this joint resolution and passed a new law moving the date to September 17 to commemorate “the formation and signing, on September 17, 1787, of the Constitution of the United States.” The day was still designated as “Citizenship Day” and retained its original purpose of recognizing all those who had attained American citizenship. This law urged civil and educational authorities of states, counties, cities and towns to make plans for the proper observance of the day and “for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside.”



In 2004 under Senator Byrd's urging, Congress changed the designation of this day to "Constitution Day and Citizenship Day" and added two new requirements in the commemoration of this Day. The first is that the head of every federal agency provide each employee with educational and training materials concerning the Constitution on September 17th. The second is that each educational institution which receives Federal funds should hold a program for students every September 17th.

### Legislative Branch Documents

Joint Resolution authorizing the President of the United States of America to proclaim I Am An American Day, for the recognition, observance, and commemoration of American citizenship, Chapter 183, 54 Stat. 178, May 3, 1940.

Joint Resolution designating September 17 of each year as "Citizenship Day," Chapter 49, 66 Stat. 9, February 29, 1952.

Public Law 105-225 (PDF), 112 Stat. 1253 Sec. 106, August 12, 1998, currently codified in 36 USC 106 (PDF).

Consolidated Appropriations Act, 2005, Public Law 108-447, 118 Stat. 2809, Div. J, Title I, Section 111, Dec. 8, 2004, currently codified in 36 USC 106 (PDF).

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### Executive Branch Documents

Presidential Proclamations and Executive Orders have been used by presidents to rule on substantive issues of law; to administrate the executive branch of government; and to make general announcements to the public. These general announcements, which exhort the public to observe a holiday such as Thanksgiving or honor a particular group of citizens as in National Black History Month, are usually issued in the form of a Presidential Proclamation. On many occasions Congress will pass a law specifically requesting the President to proclaim the recognition of a particular group of citizens, such as Jewish or Hispanic Americans.

1952 - President Truman proclaims the first Citizenship Day, Proclamation 2984, July 25, 1952, 3 C.F.R. 164 (1947-1953).

1955 - President Eisenhower proclaims the first Constitution Week, Proclamation 3109, August 19, 1955, 3 C.F.R. 56 (1954-1958).

2000 - President William J. Clinton's Proclamation 7343 (PDF), Citizenship Day and Constitution Week, Sept. 17, 2000, 3 C.F.R. 7343 (2000).

2005 - Department of Education Notice of Implementation of Constitution Day and Citizenship Day on September 17 of Each Year. 70 Fed. Reg. 29727 (PDF).

2009 - President Barack H. Obama's Proclamation 8418 celebrating Constitution and Citizenship Day and designating the week of September 17-23 as Constitution Week, 74 F.R. 48129.

Presidential messages, statements and remarks before 1993 can be searched from the home page of the American Presidency Project (external link).

Presidential executive orders and proclamations as well as Presidential statements messages for Constitution Day and Citizenship Day from 1994 to the present can be searched from the Government Printing Office's

[Advanced Search page](#) in the collections for the Code of Federal Regulations, the Compilation of Presidential Documents and the Federal Register.

## Journal Articles

Address Made by President Ranson, *Constitution Day Address*, 21 A.B.A. J. 644 (1935)

Walter Evans, *Constitution Day*, 3 Const. Rev. 16 (1919) ([PDF](#), 184KB)

*Constitution Day, September Seventeenth*, 3 Const. Rev. 181 (1919) ([PDF](#), 198KB)

*The Observance of Constitution Day*, 4 Const. Rev. 46 (1920) ([PDF](#), 134KB)

Nathan Boone Williams, *Constitution Day - September 17, 1951*, 24 Rocky Mtn. L. Rev. 28 (1951-1952)

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## Web Resources

[Bill of Rights Institute - Constitution Day \(external link\)](#)

[Center for Civic Education - Lessons for Constitution Day and Citizenship Day \(external link\)](#)

[Government Printing Office ACCESS - Constitution Main Page](#)

Library of Congress:

- [Continental Congress and the Constitutional Convention Broadside Collection](#)
- [Constitution Day Resources](#)
- [Federalist Papers \(Congress.gov\)](#)
- [Primary Documents in American History - United States Constitution](#)
- [United States: The Constitution](#)

[National Constitution Center - Constitution Day \(external link\)](#)

[National Endowment for the Humanities - Constitution Day](#)

[Office of Personnel Management - Constitution Initiative](#)

[U.S. Department of Education - U.S. Constitution Teaching and Learning Resources](#)

U.S. National Archives and Records Administration:

- [Charters of Freedom](#)
- [Teaching with Documents - U.S. Constitution Workshop](#)

[U.S. Senate - The Constitution](#)

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