

Legal Counsel Update: February 25, 2020

2:00 p.m. – Board Conference Room

Attending: Commissioners Darin J. Fowler, Daniel E. DeYoung and Lily N. Morgan; Wally Hicks, Leah Harper and Pat Ellison, Legal Counsel; Wendy Watkins, Recorder

Chair Darin J. Fowler called the meeting to order at 2:00 p.m.

1. Draft (for WBS 2/26/20) Resolution No. 2020-008; In the Matter of Referring to Josephine County Voters at the May 19, 2020 Election an Advisory Question on a Tax to Replace Herbicide Use

Wally Hicks, County Legal Counsel, discussed the draft Resolution regarding placing a tax on the May 19, 2020 ballot to replace herbicide use. Rob Brandes, Public Works Director, said the more he looks at the question the more he is opposed to putting this on the ballot. He said the bulk of the complaints come from two or three percent in the Williams area and the risk of editorializing we are catering to a small group of folks. Mr. Brandes said we do not spray in the city limits and the bit that we do spray in the County is minimal and said the science is not there and it feels like an itch we are trying to scratch. Commissioner DeYoung said the forestry program sprays and we have to be careful what we ask for and have to protect our infrastructure. ODOT will not be changing its policy. Mr. Brandes mentioned it tends to be a vociferous minority and his crew and the forestry crew have more exposure to Roundup than anyone in the County and everything is done in a fashion that meets every protocol. Mr. Brandes proposed advanced notification to the public when we spray. Commissioner DeYoung said he will take Mr. Brandes' recommendation and not go forward with this advisory question. Commissioner Fowler discussed creating a press release that explains where we are and in the future, we will be improving noticing of when we are spraying. Commissioner DeYoung made a motion to NOT approve Resolution No. 2020-008; In the Matter of Referring to Josephine County Voters at the May 19, 2020 Election an Advisory Question on a Tax to Replace Herbicide Use and pull it off the Weekly Business Session agenda for tomorrow, seconded by Commissioner Morgan. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

2. Draft Request for Qualifications – Mining Consulting Services for Mining Consultation

Mr. Hicks explained this RFQ will be from consulting firms who can adequately demonstrate that they have the resources, experience, and qualifications necessary to provide consultation and advice regarding the issuance and administration of mining permits on public property. Presently, no authorized mineral extraction is occurring on County property. The County has not considered any mineral related permits for twelve years, but has recently resumed considering permit applications. Dave Streeter, Forestry Director, said he does not know where the funds will come from for this consultant and did not budget for this in the forestry budget. Mr. Hicks mentioned the timeline on this RFQ will be three weeks. Commissioner Morgan made a motion to move forward with the Request for Qualifications – Mining Consulting Services for Mining Consultation, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

3. Draft MOU with Curry County for Josephine County provision of Public Health Officer

Mike Weber, Public Health Director, mentioned Curry County is taking over Public Health services and they realized they did not have a health officer and they have asked that we cover for them. Mr. Weber mentioned there is no reimbursement structure for this MOU; however, there will be another version of this contract that will involve Jackson County, Josephine County and Curry County and that contract will have a reimbursement structure. Commissioner Morgan made a motion to approve the MOU with Curry County for Josephine County provision of Public Health Officer, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

4. Additional Subjects/Matters from Commissioners – ORS 192.640(1)

Commissioner DeYoung discussed his attendance at the O&C Board Meeting last Friday. Commissioner Morgan read a letter from Commissioner Boyce in regards to the Rogue River Fisheries Restoration. The Board agreed to send out the letter. Commissioner DeYoung wants to know what the mitigation plan is from the Corps of Engineers for the dam.

Meeting adjourned at 3:01 p.m.

Josephine County Board of Commissioners

Darin J. Fowler, Chair – Daniel E. DeYoung, Vice Chair – Lily N. Morgan, Commissioner

Tuesday, March 3, 2020

9:00 am General Discussion (BCC Conference Room)

1. Forestry Quarterly Update
2. Parks Quarterly Update
3. Review Parks Advisory Board Minutes
4. Review Bikeways & Walkways Committee Minutes
5. Additional Subjects/Matters from Commissioners – ORS 192.640(1)

2:00 pm Legal Counsel Update (BCC Conference Room)

1. Limited Power of Attorney for Land-Use and Development Permits: County Property at 370 Bowhill Rd.; Replacement of Cell Tower Antenna
2. **EXECUTIVE SESSION**
 - a. Confidential memo re: County Property – St. Peter Mine – ORS 192.660(2)(e) and (f)
 - b. Letter of Intent from TMB Racing re: County Property at Josephine County Fairgrounds – ORS 192.660(2)(e)

LEGAL COUNSEL UPDATE CONT'D

3. Additional Subjects/Matters from Commissioners – ORS 192.640(1)

If special physical or language accommodations are needed for this Public Session, please notify the Commissioners' Office at (541) 474-5221 at least 48-hours prior to Session. TDD (Hearing-Impaired) 1-800-735-2900.