

Legal Counsel Update: March 19, 2019

2:00 p.m. – Board Conference Room

Attending: Commissioners Darin J. Fowler and Daniel E. DeYoung; (Lily N. Morgan was unavailable); Wally Hicks, Augustus Ogu and Chantelle Rodgers, Legal Counsel; Wendy Watkins, Recorder

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

1. Community Dispute Resolution Program Grant (UofO)

Wally Hicks, County Legal Counsel, mentioned he received a letter from UofO inviting Josephine County to participate in the selection process for the 2019-2021 Community Dispute Resolution Program and explained there would be a fee to opt-in. For the past two cycles, Josephine County has opted out and Mr. Hicks recommendation would be to opt out again. The Board agreed to opt out. *Staff was directed to place the item on the Consent Calendar on next week's Weekly Business Session Agenda.*

2. Charter Oregon Central Assessment Settlement

Eve Arce, Treasurer, explained for property tax purposes, communication companies are subject to central assessment. Unlike local assessment, under central assessment, a company's intangible property is subject to assessments. In 2009, the Oregon Department of Revenue determined that cable television and Internet were communication services subject to central assessment. In 2009, Comcast filed a suit in the Oregon Tax court, as did Charter and other companies. The litigation has been pending for almost 10 years. Charter is interested in resolving its litigation on terms similar to Comcast. Charter owes the County 1.7 million dollars and would like the county to endorse a settlement proposal of 1 million dollars. The Board declined the settlement proposal and agreed to hold off and receive the full amount owed.

3. Senate Bill 365 Relating to Marijuana

Augustus Ogu, Assistant County Legal County, reviewed Summary of SB 365 Dash 2 Amendments which declares marijuana production on EFU lands an outright permitted use. Strips counties of "Time, Place and Manner" authority to regulate marijuana production land zoned EFU. Commissioner DeYoung said he is not in favor of this senate bill and Commissioner Fowler mentioned he would like to keep local controls. The next work session for this bill is this Thursday in Salem and Mr. Ogu recommends voicing disapproval by drafting a letter and encapsulate the Board's discussion today and their disapproval.

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

None heard.

Chair Darin J. Fowler called for Executive Session at 2:20 p.m. Minutes filed separately.

Additional Attendees: Michael Weber, Public Health Director

5. EXECUTIVE SESSION

a. Mercy Flights, Inc. v. Josephine County, et al; Case No. 1:17-cv-01760-CL – ORS 192.660(2)(h)

Executive Session Adjourned at 2:45 p.m.

The Board reported the following:

Agenda Item #5(a): Update only.

LEGAL COUNSEL UPDATE CONT'D

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

None heard.

Meeting adjourned at 2:45 p.m.