

**Legal Counsel Update: May 21, 2019**

**2:00 p.m. – Board Conference Room**

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

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

- 1. Limited Power of Attorney for Land Use and Development Permits for County Property at 7525 Takilma Road, Cave Junction, OR (cell site)**  
Wally Hicks, County Legal Counsel, mentioned T-Mobile is working on submitting a land use and building permit for a collocation (adding an antenna array) on the existing cell tower located at 7525 Takilma Road in Cave Junction and with Josephine County owning the cell tower, it requires a Limited Power of Attorney. Commissioner Fowler made a motion to approve Limited Power of Attorney for Land Use and Development Permits for County Property at 7525 Takilma Road, Cave Junction, OR (cell site), seconded by Commissioner Fowler. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Fowler – yes and Commissioner Morgan – yes.
- 2. Administrative Policy B-8 (Contract Signing Authority)**  
Mr. Hicks discussed Department Heads have signing authority on any contract up to \$10,000 and from \$10,001 to \$50,000, the liaison commissioner has signing authority; anything above \$50,000 will need full Board approval. The Board agreed to the existing policy.
- 3. Solid Waste Haulers**  
Commissioner Morgan said she has been contacted by a third party hauler and he is being turned away on how he can haul things and is required to get a dumpster. The example I was told was three tires and they needed to get a dumpster. There was frustrations and felt they were not getting responses through the solid waste agency. Rob Brandes, Public Works Director, said four weeks ago, the Solid Waste Agency met and there was a process in place, one for the nuisance abatement with a stipulation, you must use a box due to the volume of these cleanups. The fear of the franchise is if we allow them to pick up whatever they want to pick up, they become a franchise hauler. Mr. Brandes explained the complaint that the commissioners and the city councilors have received was proven unfounded. Mr. Brandes explained the real estate market is being squeezed and they are ok to encourage third party hauling, because it can be cheaper, but the fix is not in us trying to figure out a loop hole in the franchise agreement, everybody should use a dumpster. Commissioner Morgan said it is not consistently enforced and would like to amend the franchise agreement to allow third party haulers. Mr. Brandes said if the Board wants to change the franchise agreement to allow for third party haulers, that changes the bottom line and if they lose a margin on those dumpsters, the haulers will come back to the County and ask for a rate increase.
- 4. County Wide Office Hours**  
Commissioner DeYoung said each department is different and Commissioner Fowler said, in general, individual departments have individual funding streams. We are not a fully funding organization and by trying to struggle to get the door open from 8:00 a.m. to 5:00 p.m., we are pushing the departments past their budget restraints. Commissioner Morgan discussed asking each department what would their staffing levels need to be in order to stay open during lunch or on Friday. Commissioner Fowler said he does not want to push a policy because of one person's complaint. The Board agreed to address this at a later time.
- 5. ADA Coordinator Position**  
The Board agreed to have the ADA position in Human Resources/Risk Management.

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

Commissioner Morgan mentioned on the County's website there is a video of Greg Walden talking about Secure Rural Schools (SRS) and a citizen believes it is partisan. The Board agreed to delete the video. Commissioner Morgan discussed NACo and the benefits to the County. Commissioner Morgan discussed the Concierge's Contract and would like the Board to revisit the contract. Commissioner Morgan would like a 360 evaluation in place.

Chair Lily N. Morgan called for Executive Session at 3:24 p.m. Minutes filed separately.

*Additional Attendees: Mike Weber, Public Health Director; Tamra Martin, Fairgrounds Director; Helene Lulich, Real Property Manager; Shaun Hall, The Daily Courier*

**7. EXECUTIVE SESSION**

- a. **Confidential Memo re: AMR Contract - ORS 192.660(2)(f)**
- b. **600 Tina Way – ORS 192.660(2)(e)**
- c. **3344 Camp Joy Road – ORS 192.660(2)(e)**
- d. **Draft Lease with TMB Racing, LLC, for property at the County Fairgrounds - ORS 192.660(2)(e)**
- e. **Notice of Tort Claim - Launeen Myers - ORS 192.660(2)(h)**

**Executive Session Adjourned at 3:54 p.m.**

The Board reported the following:

Agenda Item #7(a): The Board agreed to have Legal Counsel negotiate an extension.

Agenda Item #7(b): Discussion only.

Agenda Item #7(c): This item was tabled.

Agenda Item #7(d): *Commissioner Fowler made a motion to authorize Legal Counsel to enter into a contract for outside legal representations for negotiations and contracts, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner DeYoung – yes, Commissioner Fowler – yes and Commissioner Morgan – yes.*

Agenda Item #7(e): Discussion only.

**LEGAL COUNSEL UPDATE CONT'D****8. Additional Subjects/Matters from Commissioners – ORS 192.640(1)**

None heard.

Meeting adjourned at 3:55 p.m.