

Legal Counsel Update: June 18, 2020

10:00 a.m. – Board of Commissioners Office via Zoom

Attending: Commissioners Darin J. Fowler, Daniel E. DeYoung and Lily N. Morgan; Wally Hicks, Augustus Ogu and Nicole Mannan, Legal Counsel; Wendy Watkins, Recorder

Chair Darin J. Fowler called the meeting to order at 10:00 a.m.

1. Draft Ordinance No. 2020-____; An Ordinance Amending the County Code (Ordinance No. 2018-004) to Implement Changes Related to Kennels, Fanciers, and Rescue Facilities and to Implement Changes to Fees

Leah Harper, Assistant County Legal Counsel, mentioned this ordinance will be for all adult dogs new to the State that shall be licensed by their owner within 30-days and failure to obtain a valid license will be subject to a penalty. The ordinance will not contain a fee because fees are adjusted annually by the Board. Ms. Harper discussed kennel and fancier permit requirements. Commissioner Morgan said this went before the Animal Shelter Advisory Committee and they voted unanimously on the approval of this draft. Commissioner DeYoung said he would like to have a different colored license tag for a service dog. JJ Scofield, Human Resource Director, explained there is a difference between a therapy dog and a service dog. Commissioner Fowler said this does not include companion animals. Ms. Harper said this will waive the fee for a dog license if it is a government dog used for official governmental business. The Board agreed to discuss this ordinance again at a future meeting.

2. Limited Power of Attorney for Land Use and Development Permits for County Property on New Hope Rd., Grants Pass, OR (Murphy pit) (One original Limited Power of Attorney filed with the County Clerk)

Rob Brandes, Public Works Director, mentioned the development proposal is for a lot line adjustment for Public Works property commonly known as Murphy Pit and neighboring County owned properties; three properties totaling 53.97 acres. This Limited Power of Attorney will authorize Mr. Brandes to work with the Planning Department to decide on the best way to move forward with these properties. Commissioner DeYoung made a motion to approve Limited Power of Attorney for Land Use and Development Permits for County Property on New Hope Rd., Grants Pass, OR (Murphy pit), seconded by Commissioner Morgan. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

3. Limited Power of Attorney for Land Use and Development Permits for County Property at the IV Airport runway (One original Limited Power of Attorney filed with the County Clerk)

Larry Graves, Airport Director, said this development proposal is for the IV Airport Runway 18-36 Rehab and Aligned Taxiway Removal at 30904 Redwood Highway authorizing Mr. Graves to act as the agent. Commissioner Morgan made a motion to approve Limited Power of Attorney for Land Use and Development Permits for County Property at the IV Airport runway, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

4. Lease Agreement Amendment No. 1 with Rimport LLC for county real property at the Josephine County Fairgrounds (One original Amendment filed with the County Clerk)

Mr. Hicks mentioned Rimport LLC dba Floors-To-Go is asking the County for a rent reduction until the end of their lease contract. They are asking to pay half rent from \$4,776 monthly down to \$2,388 monthly through October, when their lease expires. The Board agreed. Commissioner Morgan made a motion to approve Lease Agreement Amendment No. 1 with Rimport LLC for county real property at the Josephine County Fairgrounds, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

5. Draft Resolution No. 2020-026; In the Matter of Termination of Declaration of State of Emergency for Josephine County

Mr. Hicks stated Josephine County declared a state of emergency on March 19, 2020 due to the spread of Covid-19, a highly contagious disease. The conditions have improved to the extent that the threat of emergency has passed, this resolution will terminate the declared state of emergency. The Board recommends postponing the termination to check with the various departments who are still at risk.

Chair Darin J. Fowler called for Executive Session at 10:57 a.m. Minutes filed separately.

Additional Attendees: Helene Lulich, Real Property Manager; Shaun Hall, The Daily Courier; JJ Scofield, Human Resource Director; Tamra Martin, Fairgrounds Director; Larry Graves; Airport Director; Corley McFarland, Precision Approach Engineering; Will Werner, Precision Approach Engineering

6. EXECUTIVE SESSION

- a. **County Real Property at the IV Airport; water rights - ORS 192.660(2)(e)**
- b. **Collective Bargaining - FOPPO - ORS 192.660(2)(d)**
- c. **Real Property at the Josephine County Fairgrounds - ORS 192.660(2)(e):**
 - i. **Modification No. 2 to Lease Agreement with Love Abound Asset Management, LLC for tunnel (infield lease)**
 - ii. **First Amendment to Amended and Restated Lease Agreement with TMB Racing, LLC for tunnel**
 - iii. **Agreement regarding Property Line Adjustment with TMB Racing, LLC for HRT facility**
 - iv. **Letter of Intent with TMB Racing, for lease of property at 870 Redwood Hwy**
 - v. **County real property at 1382 Pansy Lane**
 - vi. **County real property at 1222 Redwood Avenue**

Executive Session Adjourned at 1:01 p.m.

The Board reported the following:

Agenda Item #6(a): Commissioner Morgan made a motion to give Legal Counsel permission to send a demand letter, seconded by Commissioner DeYoung. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

Agenda Item #6(b): Discussion only.

Agenda Item #6(c)(i): The Board agreed to have Legal Counsel negotiate further.

Agenda Item #6(c)(ii): Discussion only.

Agenda Item #6(c)(iii): Discussion only.

Agenda Item #6(c)(iv): The Board agreed to have Legal Counsel negotiate further.

Agenda Item #6(c)(v): The Board agreed to have Legal Counsel negotiate further.

Agenda Item #6(c)(vi): The Board agreed to have Legal Counsel negotiate further.

LEGAL COUNSEL UPDATE CONT'D

7. Location of Legal Update Meetings

Mr. Hicks suggested having their Legal Counsel Meetings in the Board of Commissioners conference room starting in July and will be sure to make accommodations with social distancing.

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

None heard.

Meeting adjourned at 1:13 p.m.