



OBSERVER CORPS REPORT AS OF AUGUST 19, 2016

Dear Observer Corps Report Readers,

We continue to look for volunteer Observers. It would be especially nice if someone would like to observe the Medford City Council and Josephine County Commissioners meetings. Let me know if you are interested. Here is our latest report on the Jackson County Board of Commissioners meetings. Due to my schedule conflicts, two meetings were observed by listening to the recordings of the meetings from the Jackson County website. I urge all readers to go directly to these recordings for additional information.

07/19/16: Breidenthal and Jordan absent. Harvey Bragg filled in for Danny Jordan. **1. Red Cross Presentation** – Carisa Hettich, Executive Director, Southwest Oregon Chapter – Patty Alvin, a volunteer, also participated in the presentation. Hettich and Alvin gave an educational presentation to familiarize the Commissioners with the activities of the Red Cross. The Red Cross supplies 40% of the national supply of blood. They are the first responders in disasters and the primary disasters are house fires. The Red Cross gives earthquake preparedness seminars to educate about the Cascadian subduction zone, CPR, install smoke detectors for those in need, and other such services. Alvin explained in detail why and how she became a volunteer together with her husband. They now have a “go bag” ready at all times so that they can respond to requests to travel to disasters. They noted that only 5% of the population donates blood on a regular basis and encouraged all to consider donating blood. **2. Order Authorizing the Chair of the Jackson County Board of Commissioners to Execute a Perpetual Waterline Easement with the City of Medford, Oregon, Water Commission, Order No. 114-16** – This item was pulled from the agenda for lack of information. **3. Order Authorizing a Service Agreement between Jackson County and Cannon Cochran Management Services, Inc. (CCSMI) – Order No. 115-16** – CCSMI is JC’s current workers compensation claims processing company. JC is self-insured for workers compensation and CCSMI handles all of the claims processing. The Commissioners were asked to renew the service agreement with CCSMI for a period of three years with an additional two year renewal. The renewal rates were checked by Brown & Brown and they were found to be competitive on the low end. Dyer and Roberts approved the contract at approximately \$55,000 per year. **4. Discussion on Bureau of Land Management Proposed Rules for Table Rocks Area** – Joel Benton, County Counsel – Benton explained that the BLM is proposing to make permanent usage rules for the Table Rocks that had been adopted in 2014 on a temporary basis. The Nature Conservancy had rules and BLM had rules and essentially BLM combined the two sets of rules in 2014. No study was done or information provided to support the reason/need for the rules. Dyer and Roberts both questioned the need for the rules. Benton reminded them that the Commissioners had raised objections to the rules three years ago, indicating that they want public access on public lands. The deadline to object to the permanent rules is August 2. Roberts and Dyer instructed Benton to write another letter to BLM repeating their objections to the rules and to note that their prior letter objecting to the rules had been ignored.

08/16/16: (Observed by listening to the recorded meeting posted on JC website). Breidenthal absent. **2. Discussion of Upcoming Association of Oregon Counties District 4 Meeting** – This item was taken out of order. A

staff person, whose name I did not hear/catch, led the discussion. JC is going to host the AOC District 4 meeting on September 30. AOC has no budget for this event so the staff person asked for direction in selecting meeting space and lunch issues. Several locations had been contacted including, Del Rio Winery, Bohemian Club, Porters, Roxianne Winery, Rosarios and Black Horse (?) BBQ. After lengthy discussion, it was decided that the meeting should be held in Room 202 and a budget of \$350 was allocated for a luncheon that JC will host. Roberts and Dyer indicated that they are willing to provide pastries to go with coffee in the morning.

1. Discussion of Process to Replace Senate District 3 Position. – Jordan advised the Commissioners that the Democratic Party has until August 20 to select three qualified candidates to replace Senator Alan Bates until January, 2017. If the Democrats do not supply the names of three qualified candidates, the Commissioners are allowed to pick someone else who meets the qualifications. The qualifications are: a) must be a resident of District 3, b) must have been in the same party as Senator Bates for at least 180 days prior to the vacancy and c) must be registered to vote. Jordan asked the Commissioners if they want to identify potential alternative candidate(s) for the position to be ready in the event the Democrats do not provide the names of three qualified candidates in a timely fashion. There was a lengthy discussion of the procedures and the timeframe for the Commissioners to make a decision. The Democrats are meeting on August 19. The Commissioners asked that this matter be placed on every agenda moving forward until a decision is made so that they are kept informed of progress.

08/18/16: (Observed by listening to the recorded meeting posted on JC website). All Commissioners present.

1. Input from County Counsel – Benton reported that he had been contacted by KOB 5 concerning ongoing negotiations. (It was difficult to hear, but I think it was related to labor negotiations). Roberts reported that she had also been contacted and referred KOB 5 to Benton.

2. Code Enforcement Policy and Procedure Amendments – Kelly Madding, Director, Development Services. Madding proposed two changes to the Code Enforcement Policy and Procedure Manual (Manual), one a minor clerical change, and the other a more extensive change to page 16 of the Manual. (*Note: There was a discussion that lasted at least an hour. Rather than cover what I learned in chronological order, I will summarize what I learned from the discussion. I urge readers to listen to the recordings if they have an interest in this topic.*) In 2006 the BOC adopted the Manual which included the instruction that staff was *not* to enforce land use ordinances *unless* they received a complaint and staff was further instructed *not* to cite land use ordinance violators as long as they were in the process of appealing or making new applications for land use approval of their business. As a result, over time, violators have learned that if they become “serial applicants” they can continue to operate in violation of land use ordinances for years (five years in one example) with no action from JC. Madding and Jordan advised the Commissioners of this abuse of the process and encouraged adoption of a change in the policy so that after a violator had applied, been denied, appealed to LUBA, LUBA remanded back to the county and the county made a final decision, staff could then take action to cite the violator even though they might further appeal or make a new application. The proposed change is intended to stop abuse and to address the significant concerns from neighbors of the violators who call the county and ask why the code is *not* being enforced. Once a violator has been issued a citation, the matter goes before a Hearings Officer who can issue one of three penalties: a) A fine of \$200 per day up to a maximum of \$10,000; b) a lien against the property for the full price of the property; c) a fine of twice the amount of profit the company. Typically a fine of \$200 per day has been the penalty. Ninety-seven (97%) per cent of land use applications are approved by the county, which leaves potentially three (3%) per cent who could become violators. In practice, only a very small portion of the 3% would be subject to this change in policy. Some violators make a great deal of money while in violation of the land use codes and appear to factor in the cost of fines in the cost of doing business. Madding and Jordan explained at length the options that violators have in the land use system to protect their rights. Dyer indicated that he has received complaints from neighbors and understands that they have rights too. All Commissioners expressed reluctance to make rules that would impede business. Jordan reminded the Commissioners that they can make exceptions to the policy or

change it as they deem appropriate and it was pointed out that a political situation had come before the BOC in Executive Session that they dealt with. In the final decision, Roberts and Dyer voted to approve the policy changes and Breidenthal voted against. If I understood him correctly, Breidenthal feels all land use laws are oppressive and enforcement is part of a “police state”. Jordan pointed out that the state requires the counties to have land use ordinances and that the ordinances must be enforced. The policy change made will allow staff to do their job in citing violators but they are still prohibited from enforcing the land use ordinances *unless a complaint is made. (Emphasis added.)* The Commissioners want to be kept informed of how the change in policy is going. **3. Input from County Administrator** – Jordan went over the items for the Wednesday agenda. **4. Discussion and Deliberation of Replacement of Senate District 3 Position** – A brief discussion was held again about the process of selecting a replacement for Sen. Alan Bates. **5. Liaison Committee Reports** – Breidenthal did not have a report. Roberts reported on City Council meetings for Phoenix and Talent and the Traffic Safety Committee. She also attended the Parks & Recreation Committee meeting and reported that this is the busiest summer ever and without the new RV Park, revenues are up significantly. Roberts attended the Fair Board meeting and reported that they want a written contract. Jordan pointed out that they have had an agreement for several months but they keep wanting to change the terms. Apparently the Fair Board is now willing to agree with the original deal. Dyer attended an event for the Fry Family Farm Food Processing plant, the Airport Advisory Committee, AllCare, and the Housing Authority. The airport had a record July and overall the activity at the airport is up 9.3%. The Housing Authority is breaking ground on New Bridge Place on Ross Lane with will have 64 units and a specified number will be for homeless veterans. **6. Review Calendars** – routine.

--- Respectfully Submitted, Joyce Chapman