

MINUTES FOR THE
BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
WORK SESSION HELD ON
OCTOBER 26, 2021

The Board of Commissioners' Work Session was opened by Commissioner Rick Dyer on Tuesday, October 26, 2021, at 9:00 a.m. by videoconference. Those participating were:

Rick Dyer, Chair
Dave Dotterer, Commissioner
Colleen Roberts, Commissioner
Danny Jordan, County Administrator
Joel Benton, County Counsel
J Domis, Interim Director, Roads and Parks Department
Mike Kuntz, County Engineer
Alycia Hartley, Recording Secretary
Members of the Public and Press

1. *Petitioned Vacation of a Public Storm Drain Easement and Portions of County Roads – J Domis, Interim Director, Roads and Parks Department; and Mike Kuntz, County Engineer*
Mr. Domis began by sharing a copy of a handout that the Board received (*Submission No. 1*) which explains each of the four petitions the County has received for vacations: one for a storm drain easement and three for unimproved segments of County roads. He noted that all four petitions contain 100 percent of the signatures of abutting property owners, and recommended approval of the vacations without holding public hearings. He explained the details of the storm drain easement and each of the roads petitioned to be vacated. Commissioner Roberts asked who the vacation ends up with. Mr. Domis clarified that they will be with the landowners, who are supportive.

2. *Jurisdictional Transfer of Roads to the City of Ashland – J Domis, Interim Director, Roads and Parks Department; and Mike Kuntz, County Engineer*
Mr. Domis explained that this is related to a jurisdictional transfer of portions of three roads within the City of Ashland. He reviewed the process and events that have taken place which led to this transfer, and explained the details and locations of each of the roads (*Submission No. 2*). He also explained that the transfer requires that the County make a one-time payment in the amount of \$512,000 to the City of Ashland as a match for the reconstruction of middle Clay Street. Mr. Jordan further explained that, for many years, the County has attempted to transfer jurisdictions of County roads within cities to those cities. When a city decides to build around a road that was not designed for city travel, they complete the development and collect System Development Charges (SDCs) while the County remains responsible for road improvements. He noted that the County tries to provide an incentive for the jurisdictional transfer when it can.

Commissioner Dyer stated that, while he understands the benefits of the transfer, \$512,000 as a County-match seems expensive. He asked if there was a timeframe for those funds to be recouped from not having to maintain the road, or if this was simply an agreement that made sense. Mr. Jordan explained that the County has been trying to transfer the jurisdiction of this portion of Clay Street for many years and it has been an ongoing negotiation. He noted that it is not a lot of money in the grand scheme and these roads were never meant to be used for residential development. Mr. Kuntz explained that this section of road is probably the worst in the County and badly needs reconstructed. Even if the County was not urbanizing the road, it would cost at least \$500,000 to reconstruct it. The community is becoming more and more urbanized and the road is not serving that community well. Mr. Kuntz said that it is a reasonable negotiation and noted that it is part of the Agreement that the County's contribution is capped in case the overall project costs are more than budgeted. Commissioner Dotterer said that the City of Ashland has been considering this for many years due to the development that has occurred on this portion of Clay Street. Mr. Jordan provided additional information on the SDCs and how Oregon law creates these issues of roads not being properly maintained within developed city limits. He said that this is a good opportunity for the County and for the City of Ashland. Commissioner Dyer stated that he appreciates the negotiation that took place and that the road will now be up to the necessary standards. Mr. Kuntz clarified for the Board that a public hearing will be held for this jurisdictional transfer.

3. *Discussion of a Potential County Charter Amendment – Colleen Roberts, Commissioner*

Commissioner Roberts explained that she had asked Mr. Benton about the process to proceed with a County Charter amendment in regards to listing the County as, first, an agency of the State, then a body politic, and finally a corporate. She said that she has received significant interest from the public in changing the order to be, first, a body politic, then a corporate, and finally an agency of the State. This can be achieved either through a citizens' initiative petition or by action of the Board. She asked if the Board would like to proceed with referring the matter, or await a citizens' initiative petition. Commissioner Dyer asked if there would be any tangible effects from making this change. Commissioner Roberts said that she feels that the matter of the order in which they are listed is important. Commissioner Dotterer asked if each was hierarchical or if it is a listing of three equal things regardless of the order. Mr. Benton provided examples of how the listing does not necessarily make one more important than the other, and he has not been able to find information that would suggest that this change would have a practical impact on the County's level of authority. There was a brief discussion regarding Multnomah County being the only county with this order in their Charter, and Mr. Benton explained that he has not found a precedent that suggests they have more authority to conduct business than Jackson County. Commissioner Roberts emphasized that there is a benefit for the people to be listed first, even if it is only a matter of perception. Commissioner Dyer said that having a citizens' initiative petition to move forward would be best, and it would gauge the public's interest and desire for this change. Commissioner Dotterer agreed that a citizens' initiative petition process would be best.

4. *Discussion Regarding COVID-19*

Mr. Jordan provided an update on new positive COVID-19 cases and hospitalizations. He reported on attending a hospital surge meeting and explained that the local hospitals appear to be managing their caseloads following the October 18th vaccination mandate deadline. The hospitals are also making plans for when the contract with the State expires for contracted workers and Oregon National Guard personnel. Mr. Jordan continued by explaining that the County has started to receive Federal contracts which include vaccination requirements in order to enter into them. He emphasized that, if the County chooses not to execute these contracts due to the vaccination requirement, the County will not receive vital funding to provide staffing and services. He also

noted that the November 22nd date is approaching as well for the Federal Occupational Safety and Health Administration (OSHA) vaccination mandate. Commissioner Dotterrer asked if exceptions or exemptions are honored in the Federal contracts. Mr. Benton stated that the mandate currently provides for the same religious and medical exemptions as the State; however, he has not yet seen the specifications of the Federal OSHA requirements. Commissioner Dyer expressed that, although there have been healthcare workers, educators, and first responders lost due to the State vaccination mandate, what is being seen on the horizon with the Federal mandate is that supply chain issues, which are already terrible, will get exponentially worse. He said that it is a major public health concern that can have tangible effects quickly. There was a brief discussion regarding legal challenges that have been attempted at the State and Federal levels and how, with regard to the current Federal contracts, it is the County's decision whether to abide by the requirement or not receive those Federal funds. Commissioner Dyer expressed that coercive conditions shade the voluntary aspects of the contracts. Mr. Jordan explained that, policy-wise, the Board has taken a position to oppose any mandates; however, the County still has to run and provide necessary services. He will be coming to the Board with a recommendation after meeting with Counsel. While the County can choose not to enter into the Federal contracts and lose that funding, it would have significant impacts.

Commissioner Dotterrer asked if it was still the case that most most people in the intensive care units are COVID-19 patients, as it was during the recent surge. Mr. Jordan clarified that there are many non-COVID patients who are now coming to the hospital that were unable to receive treatment during the surge. Commissioner Dyer noted that the context of the number of positive cases and available hospital beds is important.

5. *Executive Session*

There was nothing for Executive Session.

There being no further business, Commissioner Dyer adjourned the Work Session at 9:48 a.m.

JACKSON COUNTY BOARD OF COMMISSIONERS

/s/ Rick Dyer

Rick Dyer, Chair

/s/ Dave Dotterrer

Dave Dotterrer, Commissioner

/s/ Colleen Roberts

Colleen Roberts, Commissioner

/s/ Alycia Hartley

Alycia Hartley, Recorder

Approved on: 11/10/2021

Due to the existing novel coronavirus (COVID-19) pandemic and the need to promote physical distancing, the Jackson County Board of Commissioners is conducting meetings through electronic and telephonic means. On January 5, 2021, the Board of Commissioners approved Order No. 1-21 authorizing the use of their electronic signatures on Ordinances, Orders, and other documents. Following the motion and roll call vote, Commissioners Dyer, Dotterrer and Roberts authorized the use of his/her electronic signature on these minutes of October 26, 2021.