

MINUTES FOR THE
BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
WORK SESSION HELD ON
NOVEMBER 2, 2021

The Board of Commissioners' Work Session was opened by Commissioner Rick Dyer on Tuesday, November 2, 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
Shannon Bell, Finance Director
Jennifer Drake, Recording Secretary
Members of the Public and Press

Guests: Andy Smith, Director, County Solutions, Association of Oregon Counties (AOC); and Harmony Burright, AOC Water Contractor

Mr. Smith and Ms. Burright had not yet arrived to the meeting. At 9:00 a.m., the Board discussed Agenda Item No. 2.

1. *Discussion of the Association of Oregon Counties' (AOC) Water Needs Forums Project – Andy Smith, Director, County Solutions, AOC; and Harmony Burright, AOC Water Contractor*
Mr. Smith apologized for a scheduling conflict. He introduced himself, and expressed appreciation for the opportunity to explain the water needs forums model. He reviewed the process for the forums and how they could benefit the community. He explained that community discussions were needed to provide a local viewpoint to those decisions being made on a State level. He then introduced Ms. Burright, who would facilitate these local forums and be available for consultation with any county involved in this Project. Ms. Burright provided the framework for the forums and the focus of formalizing counties' water needs on a regional basis. Ms. Burright provided her background to the Board (*Submission No. 4*). Ms. Burright added that three or four counties are signing up for this process so far, and she would provide staffing for community engagement forums. Mr. Smith and Ms. Burright then took questions from the Board. The Commissioners referred to several documents Mr. Smith provided prior to the meeting (*Submission No. 5*) throughout their questioning. Commissioner Dyer asked if, in the event the County hired a contractor, they would still be allowed to lobby through AOC as there are different water issues in Southern Oregon than the rest of the State. Mr. Smith assured Commissioner Dyer that this did not relate to lobbying currently, but it could in the future; this is a basis for assessing need. Mr. Jordan asked which counties were involved with the Project, and explained that the counties mentioned did not have the same types of water issues as Jackson County. Ms. Burright explained various issues she has noticed during her time working with the State. She further explained that this is why there is a need for community involvement in making the laws that govern water utilization in the

State. Commissioner Dotterrer asked for clarification on if, at the end of this Project, a statement of needs and issues as it applies to statewide water policy would be presented to the Legislature. Ms. Burright said that it is important to be able to articulate the needs of the counties and connect the local regions to the statewide conversations around water use. This would include providing the State with a better understanding of counties' needs in terms of money and resources from the State. Mr. Smith explained that this would be an opportunity for counties to provide input instead of waiting and being made part of a one-size-fits all approach by the State. Commissioner Dyer replied that the County has processes in place for community involvement and to respond to various State law processes, so this may be more beneficial to be provided at a local level and not as part of a statewide strategy. Mr. Jordan stated his concern that this Project was focusing on the 2023 legislative session, and that the County has been preparing for the short session as there are many issues that cannot wait. He explained that Jackson County provides support to the State Watermaster's Office through County resources, and has been working with Mr. Rob Bovett, Executive Director, AOC, on a legislative requirement verifying water rights throughout the marijuana and hemp certification process, as this is a current County water issue. Jackson County is well ahead of the State on this issue; there is an immediate need for action. Ms. Burright expressed her understanding of the urgent needs of the County, and said that the long-term need is a foundation to address water issues in a holistic way. This Project is about the long-term issues that surround water, which are expected to intensify. Commissioner Dyer offered his appreciation for AOC taking this Project on. Mr. Jordan asked if the new AOC directive that 90 percent of counties had to support legislation in order for AOC to lobby would apply to the final product of these forums. He further questioned if Mr. Smith saw this rule as problematic in obtaining the necessary support when the time came. Mr. Smith explained that the main goal of the forums was not currently about legislative action, but about framework ideas for how the State should address water issues. Mr. Jordan replied this seemed self-defeating. If, after paying the extra money, counties had the chance to be out voted by the majority 90 percent threshold. He said assurances would be necessary that the money spent would not be in vain. Commissioner Dotterrer asked for clarification on if these types of assurances will be provided. Mr. Smith said he could not speak to that at this time. Mr. Jordan indicated that this item would be discussed by the Board at a future meeting for a final decision if needed. He reiterated that, before signing on to this Project, there would need to be assurances that this is to be pursued, and not shut down by the majority of AOC membership.

At 10:05 a.m., the Board agreed to discuss Agenda Item No. 4.

2. *Discussion of House Bill 5006 – Shannon Bell, Finance Director*

Ms. Bell reviewed the Jackson County Proposal for House Bill (HB) 5006 (*Submission No. 1*), and explained that an application is due for funding. A Resolution from the Board of Commissioners agreeing to the plan is required by the application process. She reviewed her calculations for the Proposal. Mr. Jordan recommended approval of the Proposal as presented. The Board agreed to the Proposal as presented. Mr. Jordan instructed staff to prepare a Resolution for the Board to approve at a future meeting.

3 *Discussion of Process to Fill a Vacancy on the Board of Directors for the Applegate Valley Fire District*

Mr. Benton reviewed the process for filling a vacancy on the Board of Directors of a Special District based on Oregon Revised Statute (ORS) (*Submission No. 2*). There was an impasse in the decision of who will fill a vacancy on the Board of Directors by the Applegate Valley Fire District. He explained that there is no required or formal process in place for selection of the applicant. He stated that the Board could select anyone for the position or could review the applications provided by the Fire District (*Submission No. 3*), and could consider any recommendations from the Fire

District Board of Directors. Commissioner Roberts stated her opinion that the Fire District Board should be responsible for making this selection. Mr. Benton explained that it is required by law that the Board of Commissioners provide input when the Board of any taxing district reaches an impasse on selecting membership for their Board of Directors. Mr. Jordan said that it would be appropriate to make a selection from those applicants that were presented as they must have some expertise to have been considered by the Fire District Board. He explained, that in the past, the Board of Commissioners has opted to utilize an interview process at, or prior to, a Tuesday Work Session for making appointments. Commissioner Dotterrer clarified that there was no public hearing requirement for this decision. Mr. Jordan confirmed that no public hearing was necessary, but the decision must be made at a public meeting. Commissioner Dotterrer replied that he thought it was appropriate to make the selection from the two applicants, provided, and the other Commissioners agreed. There was discussion on whether the Fire District Board would be asked for recommendations or background information. Mr. Jordan suggested staff could communicate with the Fire District Board about the intention to hold interviews of the two applicants and provide them with the opportunity to provide one question that may be utilized in the interview process. Once a response is received, interviews will be scheduled. The Board agreed to this process.

Mr. Smith and Ms. Burrig joined the meeting at 9:23 a.m.

At 9:23 a.m., the Board agreed to return to Agenda Item No. 1.

4. *Discussion Regarding COVID-19*
There was nothing to discuss.

5. *Executive Session*
The Executive Session began at 10:06 a.m. under Oregon Revised Statute 192.660(2)(d), Labor Negotiations-Press Excluded ORS 192.660(4). The Executive Session ended at 10:53 a.m.

There being no further business, Commissioner Dyer adjourned the Work Session at 10:53 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/ Jennifer Drake
Jennifer Drake, Recorder

Approved on: 11/24/2021

M:\BoC_Agendas_and_Minutes\2021_BoC_Work_Session\Minutes\2021_11_02_Work_Session_Minutes_Signed.docx

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 November 2, 2021.