

MINUTES FOR THE
BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
WORK SESSION HELD ON
DECEMBER 7, 2021

The Board of Commissioners' Work Session was opened by Commissioner Rick Dyer on Tuesday, December 7, 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
Kacie Kinney, Recording Secretary
Members of the Public and Press

Guests: Denise Barnes, Chair; and Jenifer Stuber, Committee Member; Regional Disposal Site Advisory Committee

1. *Annual Report Presentation – Denise Barnes, Chair, Regional Disposal Site Advisory Committee*
Commissioner Dyer welcomed Ms. Barnes to the meeting. Ms. Barnes began by providing a brief overview of the Jackson County Regional Disposal Site Advisory Committee's Annual Report (*Submission No. 1*). Ms. Barnes spoke about the committee members who were reappointed to the Committee, how complaints continue to be resolved, and how the Dry Creek Landfill (Landfill) has been affected by the fire debris cleanup. She further explained that the Landfill accepted waste from the Two Four Two, Almeda, South Obenchain, and Happy Camp Fires. Ms. Barnes provided additional details regarding the rate increase that went into effect on July 1, 2021. Ms. Stuber was then brought into the meeting for additional questions from the Board. Commissioner Dotterer asked Ms. Stuber how the hemp and marijuana issues have affected the Landfill. Ms. Stuber explained that she has received many questions regarding hemp and marijuana, but mostly because the Landfill is the closest neighbor. Ms. Barnes added that the odor has been noticeably strong and many citizens have mentioned it when visiting the Landfill. Mr. Jordan asked if Ms. Stuber and Ms. Barnes were aware that the Board of Commissioners had declared a local state of emergency related to unlawful cannabis activities. Both Ms. Barnes and Ms. Stuber were unaware of the Board's recent declared state of emergency. He said that he would send them the Board Order so that they would have additional information regarding what action that Board has taken to fight illegal cannabis activity. There was additional discussion about the environmental damage related to cannabis grows. Commissioner Dyer said that it is helpful to better understand the issues that are encountered at the solid waste level and the environmental impacts that occur. Commissioner Roberts thanked Ms. Barnes and Ms. Stuber for their advocacy and services to the neighbors and customers of the Landfill.

2. *Order Authorizing Settlement Agreements and Other Agreements Related to County of Jackson Et Al v. Purdue Pharma, L.P. Et Al. (Case No. 1:18-OP-45411-DAP/3:18-CV-00520-MO (MDL No. 2804 (N.D. Ohio))). Order No. 217-21*
Commissioner Dyer read the Order by title.

Commissioner Roberts made a motion to approve Order No. 217-21, as read. Commissioner Dotterrer seconded the motion. Those who voted aye: Commissioner Roberts, Commissioner Dotterrer, and Commissioner Dyer. Motion passed.

3. *Order Authorizing the Filing of a Subdivision Plat for River Rock Ranch Subdivision, Jackson County, Oregon. Order No. 218-21*
Commissioner Dyer read the Order by title. Mr. Jordan explained that Section 213.09(b) of the Codified Ordinances of Jackson County requires that a subdivision plat which dedicates land to the use of the public in an unincorporated area of Jackson County, must be approved by a majority of the Jackson County Board of Commissioners. River Rock Ranch, a subdivision, is located in the unincorporated area of Jackson County and dedicates land for public use. The Board of County Commissioners of Jackson County finds that the subdivision plat of River Rock Ranch, a subdivision located in the Southeast 1/4 of Section 21, Township 36 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, has been properly filed and all requirements of law governing the filing of said subdivision plat for recording have been fulfilled. Approval by majority vote of the Board of Commissioners will authorize the Chair of the Jackson County Board of Commissioners, or designees to execute the subdivision plat for River Rock Ranch.

Commissioner Dotterrer made a motion to approve Order No. 218-21, as read. Commissioner Roberts seconded the motion. Those who voted aye: Commissioner Dotterrer, Commissioner Roberts, and Commissioner Dyer. Motion passed.

Following the motion and roll call vote, Commissioner Dotterrer, Commissioner Roberts, and Commissioner Dyer each authorized the use of his/her electronic signature on Order Nos. 217-21 and 218-21, pursuant to Order No. 1-21.

4. *Discussion of a Recommendation From the Jackson County Marijuana Advisory Committee – Colleen Roberts, Commissioner*
Commissioner Roberts said, as the liaison to the Jackson County Marijuana Advisory Committee (MAC), she wanted to bring forward a recommendation from MAC for the Board to discuss. She explained that MAC is concerned about water use and has written a recommendation (*Submission No. 2*) asking the Board to request that the Oregon Department of Agriculture (ODA) and Oregon Liquor and Cannabis Commission (OLCC) include proof of water rights during the grower and producer application process. Commissioner Roberts asked if the Board would want to take action or wait and see what the Oregon legislature brings forward. Commissioner Dotterrer asked what the current State law and regulation is in regard to this issue. Mr. Jordan clarified that the Jackson County Land Development Ordinance (JCLDO) is separate from what MAC recommended. He also summarized that the recommendation from MAC is to request that the ODA and OLCC not allow people to haul water without water rights, which cannot be regulated without statutory authority. He explained that, through the Association of Oregon Counties (AOC), he submitted a draft legislation to be part of a large package of bills related to marijuana, which includes encouraging the ODA to require proof of water rights as part of the grower and producer application process. Mr. Jordan said that, in regards to the JCLDO, the Board cannot regulate water, but they can regulate land use. Commissioner Dyer said that the Board could amend the JCLDO, but when there is legislation that is being considered, the JCLDO may have to be amended again. Mr. Jordan clarified that the JCLDO would be automatically amended because State law would

prevail, and the JCLDO is preempted by State law. Commissioner Dyer said that, hopefully, there will be legislation put forward that the Board will support. Commissioner Roberts said that she would be willing to write a letter to MAC in response to their recommendation, informing the Committee that the Board understands and is working on the concerns brought forward. There was additional discussion about potentially amending the JCLDO if the State does not act. Commissioner Dotterer said that he feels the Board should continue to advocate for this to come through State legislation. He also agreed that it would be a good idea for Commissioner Roberts to write a letter to MAC and express to the Committee that the Board is considering their recommendation.

5. *Update on Recent Fire Activity*

Mr. Jordan reported that there are still 207 hotels rooms occupied by 372 people, and for the Federal Emergency Management Agency (FEMA) Direct Housing Mission, there are 148 eligible transportable temporary housing units (TTHU) occupied. Mr. Jordan also explained that, of the 148 FEMA TTHUs, 103 of the occupants have expressed interest in purchasing the TTHU that they are living in once the FEMA Direct Housing Mission has ended; if these occupants end up not purchasing their TTHUs, then the units become eligible for the FEMA Donation Program. Mr. Jordan reported that 16 occupants declined the opportunity to purchase their TTHU at the end of the FEMA Direct Housing Mission, which means that those units cannot be donated under FEMA's policy. Mr. Jordan provided additional information regarding FEMA's policy on TTHUs.

Mr. Jordan reported that the FEMA Direct Housing Mission ends in March 2022. The Oregon Office of Emergency Management (OEM) submitted a request to FEMA to extend the Direct Housing Mission by six months. He also said that OEM would be requesting a waiver of rent that is supposed to go into effect at the end of March. There was additional discussion about the potential issues and expenses associated with the TTHUs, and the possibility of requesting FEMA make the 16 ineligible units eligible for the Donation Program. Commissioner Dotterer spoke about the different housing and relief groups, and asked why this is not a project that one of them is taking on. Mr. Jordan said that there is a lot of expense that goes into purchasing, relocating, and storing each of the units. Commissioner Dyer expressed his frustration with the difficulty of keeping the TTHUs for people that need them when FEMA takes the units and auctions them for minimal amounts of money.

Mr. Jordan said that another issue affecting FEMA's evaluation of the Direct Housing Mission timeframe is that some people are refusing permanent housing options because they are being provided food subsidies and no-cost shelter. Mr. Jordan said that the Multi-Agency Shelter Transition Teams (MASTT) are beginning the planning for transition out of emergency shelter, and case management services have been contracted out to Catholic Charities of Oregon. He further explained that there have been delays between Catholic Charities and FEMA due to the State Information Data Sharing Agreement needing to be updated to include Catholic Charities. Mr. Jordan said that FEMA is refusing to enter into an information sharing agreement with any of Oregon's long-term recovery groups. He said there should be additional updates after scheduled meetings with State officials.

6. *Discussion Regarding COVID-19*

Mr. Jordan provided an update on new positive COVID-19 case numbers, deaths, and hospitalizations. He noted that there has been a 68 percent increase in cases, and that both local hospitals are operating under surge protocols. He explained that the increase in COVID-19 cases is likely due to holiday gatherings. Commissioner Dyer also reported that Region 5 has had a slight increase in new positive cases.

Commissioner Roberts spoke about the public comment period for the Oregon Health Authority (OHA) proposed amendments to Oregon Administrative Rules (OAR). She said that the email that the Board received informing them that the comment period had been extended, also stated that OHA was not currently accepting comments related to school vaccines and mask requirements. She said that the rule making seems to be related to setting the foundational and operational plans for youth and schools. There was a brief discussion about changes to the proposed Rules and comments that the Board is considering submitting during the public comment period. Commissioner Roberts also discussed data from the OHA Weekly COVID-19 Report (*Submission No. 3*) and how the data shows how it does not constitute conditions that require a permanent rule change. Commissioner Dyer said that he believes that the cost-benefit analysis also needs to be considered in the proposed amendments. Commissioner Dotterer asked if any feedback was received from the local schools. Commissioner Dyer said he did not receive any responses from the local school boards. The Board agreed that they wanted to submit a letter to OHA prior to the public comment period deadline. Mr. Benton said that he would need to have each Commissioner's comment by tomorrow, in order to have a draft letter prepared for the Board's next Work Session. The Board also agreed this discussion should be included on the next Staff Meeting agenda.

Mr. Jordan provided additional information related to Providence Hospital's surge protocol. Providence has transitioned six surgical beds into inpatient beds, and is working with local and regional teams to coordinate transferring and rescheduling patients.

7. *Executive Session*
There was nothing for Executive Session.

There being no further business, Commissioner Dyer adjourned the Work Session at 10:42 a.m.

JACKSON COUNTY BOARD OF COMMISSIONERS

/s/ Rick Dyer
Rick Dyer, Chair

/s/ Dave Dotterer
Dave Dotterer, Commissioner

/s/ Colleen Roberts
Colleen Roberts, Commissioner

/s/ Kacie Kinney
Kacie Kinney, Recorder
Approved on: 12/22/2021

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, Dotterer and Roberts authorized the use of his/her electronic signature on these minutes of December 7, 2021.