



***In the County Court of the State of Oregon for Harney County
Minutes of the County Court Session***

January 22, 2020

The Harney County Court convened in County Court Chamber at 9:15 a.m. on Tuesday, January 22, 2020. Members attending were Judge Pete Runnels, Commissioner Patty Dorroh, and Commissioner Mark Owens. Also, in attendance for all or portions of the meeting were; Tim Colahan, County Counsel; Dan Jenkins, Sheriff; Brian Needham, Lt./ Deputy Sheriff and Derrin (Dag) Robinson, County Clerk.

A sign in sheet of public attending is filed with the minutes.

Work Session 9:15 a.m. – 10:00 a.m.

Voucher Approval

The court reviewed accounts payables and approved the vouchers by Court signature.

The County Court chose to relocate the session to the Circuit Court Room for more room for the audience.

Judge Runnels led all in the Pledge of Allegiance.

Minutes

Commissioner Dorroh moved to approve the minutes from the January 8th, 2020 County Court Session. Commissioner Owens seconded, and the motion carried unanimously.

Public Comment

Herb Vloedman, asked about income and expense for third quarter of the budget. Judge Runnels stated it looked to be on target, and there is a budget committee meeting to review current budget on January 23rd.

Tim Smith asked about the formation of the Harney Lake Basin Working Group, using stored water for future use. He suggested the court consider using those funds for a peer review audit on reports from Oregon Water Resources Department to verify the

data. Commissioner Owens said the data that was collected is credible data and wants it used to build credibility.

Gretchen Bates representing Harney County Republicans, congratulated Commissioner Owens on his recent appointment to the Oregon House of Representatives.

New Business

In the Matter of the referral of a Second Amendment Sanctuary Ordinance, Judge Runnels explained a bit of history and the current Preservation Ordinance that is in place. He said the proposed language is believed to have more teeth. *(A copy of the proposed language, provided to the court on January 8, 2020 is on file with these minutes, and the current Second Amendment Preservation Ordinance is filed in the Commissioner's Journal, CJ2019-52)*

Tim Smith thanked the court for taking this matter up for consideration. He said he has spoken with the Columbia County Counsel and mentioned several issues. He said "it establishes that Harney County not enforce laws that come from elsewhere." He continued, "8 Counties have passed versions of this in last years' November election. It is a civil right, not only the second amendment right." He stated "200 counties across 9 states have chosen to not enforce outside laws in that matter." He said "the difference in those that have passed, this one does have the enforcement piece, it is similar to the Preservation Ordinance and establishes a set of criteria that law the enforcement body can enforce."

Steve Grasty expressed concern of the "county court supporting something that seems clear will not pass constitutional muster." He asked that this be let to go to the ballot and let the people decide. He stated he "believes this is the law of the land, and hopes that this can be written in a comprehensive way, that will not be found unconstitutional." He said he "doesn't want to see so much work put in to this, and then have it found unconstitutional, and then start over." He suggested the court convene a committee to sit together and work out language that will work. *(Mr. Grasty provided written testimony as well, and it is filed with these minutes).*

Commissioner Owens stated "there are black and white issues with me, Second Amendment is one of those things." Agreed with Mr. Grasty, to let it go to the ballot.

Gretchen Bates stated "this is simply draft text; it is just that and the court has time to develop text."

Mr. Smith clarified for Commissioner Dorroh that the text that is referred today is the actual text for referral and that no further changes would be made to it under the referral process. County Counsel Tim Colahan explained the referral process.

Commissioner Dorroh asked who defends the measure if challenged in court. Mr. Colahan stated it is up to the court to choose to either defend it or not, and that other parties could seek intervener status.

Mr. Colahan described the alternate path, by initiative petition the County Clerk is required to make a determination if the proposed initiative meets requirements of the Oregon Constitution. If the Clerk determines it is not constitutional there is an opportunity for any voter to challenge that determination in the Circuit Court. He explained regardless of how a measure gets to the voters, either way is a path to challenge the measure. A referendum is sometime used, which is a process to ask the voters to over-turn legislation passed previously. Mr. Robinson explained his statutory responsibility of making a constitutional determination on proposed ballot initiatives.

Judge Runnels asked if it would apply just to the county outside the city limits as proposed. County Clerk Dag Robinson stated it would be a countywide referral.

Pat Horlacher stated he feels "red flag laws are setting up as guilty before proven innocent, and there should be no ambiguity in the second amendment, and we need to send a message that this right shall not be infringed."

Jordan Conway stated "rights are given to us by god, not by men, and feels red flag laws are unconstitutional."

Bruce Boldenow stated he believes "red flag laws are inappropriate."

Melodi Molt stated she "can't understand why we have to have an ordinance to get what we already have."

Steve Sparks stated he is "fully in support of getting this to the ballot, even if it is not perfect. Land mark case states no one can write laws that go against our constitution, and it protects us at a second layer."

Luis Smith stated "he doesn't agree with sanctuary this, sanctuary that, doesn't know why we have to have double checks, and believes this is the only way to help defend our rights."

Vern Brown stated he is "fully in support of this referral. Single most useful reason is to put the state on notice there are people here who will fight against what they are doing."

George Heinz, agreed, and said there are very valid arguments regarding this matter. He spoke of culture of rural areas, the ability to hunt, fight for our very way of life. He stated he is "in support of this going on the ballot, to preserve our way of life in rural America."

Gretchen Bates stated she agreed with Vern, and "wants to put the State on notice that we are here and be noticed to fight back against tyranny."

Tim Smith stated "Mr. Grasty doesn't understand what the ordinance does, and believes it is the people who need to speak, not the government, and they do it through the County Court."

Kristin Shelman stated in part, "There are proposed gun safety bills currently, several. This is one way we can say these bills are unacceptable to us. We want to do something before it gets to us."

Jerry Temple elaborated, and stated in part, "Look at what is happening in this country. Do we have rights, or do we not? The President is fighting a battle for those of us in this room. In Virginia, a ruckus didn't happen. They wanted to prove we were terrorists showing up with firearms. Kids are being taught firearms are dangerous."

Melodi Molt encouraged the court to put this on the ballot, stating "it likely isn't perfect, that can be dealt with later."

There was a brief discussion regarding the various forms of the measure around the state and the status of those petitions. County Counsel Tim Colahan explained none of them have been referred by County Courts or Boards of County Commissioners. All forms have been by petition, and various forms of the ordinance have been found unconstitutional in several counties. Others were approved for circulation, without challenge.

Commissioner Owens stated "it is not his duty to determine if it is constitutional or not. It needs to end up in a court to be determined for certain." He said he "will vote to refer it to the ballot, and see where that falls, and will support the outcome."

Commissioner Dorroh, stated she agrees "wholly with the comments today, with what is appropriate, and that voters should decide. It has two paths- Referral, or Initiative. The court is being asked to refer it as presented. She stated that she has reviewed it thoroughly, reading, researching, and deliberating on our role. This is new ground. Legal counsel and law enforcement have provided input. There are issues for law enforcement as well." she continued, "We have the obligation to be thoughtful, as a practice. The majority in the room support it. There are other voters in the county as well. Would a referral imply that voters are assured that it has been properly vetted? Since it is heading for the November (general), and not the May (primary) ballot, there is sufficient time for the full petition process; this is not a time sensitive, urgent situation. Would it be in the best interest of all the voters in Harney County? She concluded, stating she believes the petition path is the better path for transparency, process and for the voters of Harney County.

Commissioner Owens moved to refer the ordinance as presented. The motion died due to a lack of second.

Commissioner Owens stated he believes the judge and commissioner will be first signatures. Commissioner Dorroh said she will support it going to the ballot, by initiative.

The court made additions to the Agenda:

-Comments regarding NEPA

-Commissioner Owens Letter of resignation

The Treasure Valley Community College contract review was rescheduled.

The court reviewed a letter of interest from Norm Clark, to be appointed to the planning commission. Commissioner Owens moved to appoint Norman Clark to the Planning Commission. Commissioner Dorroh seconded, motion carried unanimously.

Brenda Smith, Executive Director, High Desert Partnership; provided an update on current program initiatives.

The court reviewed Notices of Water Use Requests, there no objections to any request.

The court reviewed correspondence from BLM and Malheur National Forrest, with no action taken.

Scheduling

February County Court meetings will be back to normal 1st and 3rd Wednesdays.

Correspondence and Late Items

Commissioner Owens presented the court with a letter of resignation, effective January 29th, 2020, as he has accepted the appointment as State Representative for House District 60. There was a lengthy discussion on the process to fill the vacancy. Commissioner Dorroh suggested getting the word out immediately, and providing two announcements, one seeking volunteers to serve on a recommendation committee, and one requesting interest in being appointed. (CJ2020-35)

Commissioner Owens supported the process discussed, stating it should be a public process, with a committee recommending a single individual. Commissioner Dorroh disagreed and said the committee recommendation should not be held to putting only one individual forward. Their input can include more than one recommendation for the County Court's appointment decision.

Melodi Molt suggested precinct committee members be used. Court members agreed it is not a bad idea, but the position is a nonpartisan position. Judge Runnels stated He and Commissioner Dorroh will iron out the process, and move forward to have the County Commissioner seat filled at the second meeting in February.

Leslie Richman, expressed concerns about disjointed information regarding what is happening with Home Health and Hospice, and asked for some clarification. Judge Runnels explained how ever this works out there will be no laps in service in ether program. He stated the Health District is not interested in providing the Hospice Program. The court has reached out to another private provider that is showing interest. He explained they will start working together to develop a plan to move forward. It will take a committee, and partners to put this together for moving forward. Jodi McLean expressed similar concerns. A lengthy discussion ensued.

Susan Doverspike suggested a working group made up of partners including, a court member, a hospital board member, a budget board member and home health and hospice management. Judge Runnels stated he is open and would love to move forward in that direction.

Commissioner Owens, expressed thanks for the opportunity, and has enjoyed this most of the time. He reviewed successes, and stated he will resign next week and be sworn in as a member of the Oregon House of Representatives, representing District 60. Commissioner Owens agreed to stay involved as the County Court's delegate as co-convenor for Harney County on the Community Based Water Planning process. Judge Runnels and Commissioner Dorroh agreed. Commissioner Owens stated he also plans to stay involved with the Blue Mountain Forest Plan, but as State Representative of District 60.

Judge Runnels moved to accept Commissioner Owens' resignation effective January 29th, 2020. Commissioner Dorroh seconded, the motion carried unanimously.

There being no further business, the court adjourned at 12:20 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Derrin Robinson". The signature is written in black ink and is positioned above the typed name and title.

Derrin (Dag) Robinson
Harney County Clerk