

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF GRANT

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August 11, 2021

Pursuant to notice made to the newspaper of general circulation throughout Grant County, the radio station, county website, and e-mail distribution list, a regular meeting of the County Court was held at the County Courthouse in Canyon City, OR.

9:00 am -- Call to Order. Present were Judge Scott W. Myers, Commissioners Jim Hamsher and Sam Palmer, Human Resources Manager Laurie Cates, Frances Preston, Billie Jo George, Roadmaster Alan Hickerson, Office Manager Tammy Workman, John Rowell, Judy Kerr, Kelly Workman, Nathan Moline, Athena Moline, Reporter Logan Bagett, Reporter Steven Mitchell, Charlene Morris, Scott Knepper, Marsha Christensen, Michael Christensen, and Pastor Sharon Miller. A Pledge of Allegiance was given to the United States Flag. The invocation was given by Pastor Miller.

CLAIMS. The court had reviewed and approved claims prior to the meeting. A claim to the Blue Mountain Eagle from Economic Development and Title III was flagged for being past due.

HAND CHECKS. The court had approved hand checks 62151, 62158 and 62218 outside of a claims day.

AGENDA. MSP: Myers/Palmer -- to accept the agenda as presented.

ANNOUNCEMENTS. Judge Myers performed a wedding on July 31st at Magone Lake. On August 3rd he traveled to La Grande for a Northeast Oregon Housing Association (NEOHA) meeting. The court hosted a Greater Idaho meeting on August 4th and on August 5th Myers attended a Road Advisory meeting. Myers participated in interviews for the County Court Administrative Assistant on August 6th and the executive session that followed. Myers performed another wedding ceremony the evening of August 6th. He took part in an Eastern Oregon Counties Association (EOCA) meeting on August 9th at the airport. Myers plans on attending US Representative Cliff Bentz's town hall in Mt. Vernon on August 12th. He will meet with Gina Nikkel, Executive Director of the Association of Oregon Counties (AOC) on August 16th and will attend an open house at the airport followed by an Airport Commission meeting. It has been tentatively scheduled to hold Assistant Librarian position interviews on August 20th. Myers will attend a Regional Solutions Advisory Committee meeting on August 24th via Zoom. August 25th will be the next regular court meeting.

Commissioner Palmer participated in interviews for the County Court Administrative Assistant on August 6th and the executive session that followed. Palmer attended the EOCA meeting at the airport, and had a meeting with Harney County Commissioner Shelman regarding the River Democracy Act. Palmer also met with the Planning Director.

Commissioner Hamsher has continued to talk with Emergency Management for the region and state along with our former Emergency Management Coordinator who has offered to help with possible grants for drought relief. In addition, Hamsher has talked with State Water Resources and Regional

Solutions regarding drought relief. He participated in interviews for the County Court Administrative Assistant and the executive session that followed. Hamsher attended the EOCA meeting at airport and has been at the Fairgrounds several times this week. He invited everyone to attend the Fair. Today at 3:00 pm he will take part in a meeting with Governor's Office along with Judge Myers.

MINUTES. MSP: Myers/Palmer -- to approve the minutes of July 28th, August 4th and August 6th as presented.

FRANCES PRESTON. Citizen Frances Preston thanked the court for allowing her to present today. Preston wished to start with discussing the type of meeting to hold with the Executive Team from Restore Oregon Now. Palmer said Wednesdays and Fridays usually work for him. The Executive Team would prefer to meet on a Saturday and would like a town hall setting, but understands this may not work. Palmer said Saturdays would work for him and he would prefer holding an individual meeting. Hamsher reported Saturdays would also work for him. Holding the meeting in the morning was discussed. Preston suggested having the meeting in the County Courtroom and Palmer expressed concern that mask mandates may be put back in place so the Fairgrounds may be a better option. Preston suggested setting the meeting for 9 am on a Saturday in late August or September at the Fairgrounds. Myers advised the meeting will need to be advertised ahead of time and a Saturday morning will work for him as well. This is a statewide effort to support local merchants with less restrictions.

9:18 am Kimberly Neault, Riccola Voigt and Isabelle Ryan entered.

Preston reported she is also in court today to discuss Resolution 19-16 recorded on April 25, 2019, signed by Commissioners Hamsher and Palmer, Judge Myers was absent. Preston asked the court to discuss the resolution as they understand it. Myers advised he read the resolution again last night and assumes it was vetted by legal counsel. He said it covers his concerns of what should be done locally regarding the 2nd Amendment. Hamsher believes it was well written and reaffirms the oath of office the court members took along with the 2nd Amendment rights of the citizens of Grant County. Palmer reported he took an oath to uphold the Constitution of the United States and the State of Oregon and believes the document has legal backing through court cases to support it.

9:24 am Elaine Smith entered.

Preston asked if the court had read the draft ordinance she provided to the court. The draft has different terminology that references different statutes and she asked the court to discuss the ordinance and their understanding. Myers expressed his opinion that the current resolution provides the necessary protections and suggested the draft ordinance should be presented to legal counsel for review. He said Harney County recently was moving towards an ordinance and their legal counsel, who is also legal counsel for Grant County, suggested it be passed as a resolution and not an ordinance. Myers added this court tends to follow the advice of legal counsel. Hamsher asked if this is the same ordinance passed by Columbia County and Preston said yes. Hamsher believes this matter is still going through the court system and Preston expressed her understanding that the matter had been resolved. Hamsher would rather wait until the matter is completely decided before this court makes a decision. Myers reported in late June the County's legal counsel recommended waiting until all litigation was completed before making a decision on a draft ordinance. Preston requested that the court again reach out to legal counsel for an opinion. Palmer thanked Preston for bringing this to the court and said it is a

sad day in this country when this type of discussion has to be held since our founding fathers placed these protections in the US Constitution. Palmer agreed with Hamsher about letting another county go through this process and spend the funds. Palmer questioned how much money the county would be willing to spend for a protection already offered under the Constitution and isn't sure this is a wise way to spend tax payer funds when another county is already working on this. Preston said one reason to move forward is if the ordinance were challenged it would move to Federal Court instead of State Court. Preston asked what the timeline might be to get a response from legal counsel. Hamsher and Palmer both agreed that there should be an answer by the next court meeting. Judge Myers reported he will send the draft ordinance to legal counsel today, but it will depend on legal counsel's schedule on how quickly an answer will come back. Preston reported the draft ordinance, if passed, would expire on December 31, 2022.

9:36 am John Morris entered.

Preston summarized the fees and fines included in Senate Bill 554 (SB554). The bill goes into effect on September 26, 2021. Preston urged the County Court to prepare and sign an ordinance declaring a Second Amendment Sanctuary in Grant County. Hamsher believes the new law Preston discussed infringes on people's rights and all the bill does is stops good people from being able to protect themselves. He is troubled that laws like this get passed in our state. Palmer reported this Senate Bill does not fit eastern Oregon and believes it was intended for more urban areas, but rural Oregon gets the fall-out from it. John Rowell believes people are trying to disarm this nation and the Second Amendment of the US Constitution is very simple. If the nation wants to change, then Rowell expressed his opinion that the Constitution would need to be changed. Several citizens spoke in favor of an ordinance including Athena Moline, Scott Knepper, John Morris, Mike Christensen and Judy Kerr. Preston handed out copies of her presentation and Resolution 19-16 to those in attendance.

9:54 am The court took a short break. 10:01 am The court returned to session.
10:01 am Jessica Winegar entered.

WORKPLACE RELATED VIOLENCE POLICY. Human Resources Manager Laurie Cates presented a proposed Employee Handbook policy to the court for approval and adoption. The Victim Assistance Grants require the County to have a policy in place regarding Workplace Related Sexual Misconduct, Domestic/Dating Violence, Sexual Violence and Stalking. Cates worked with Victim Assistance Director Kimberly Neault to create this policy. The policy was reviewed by the attorney for Futures Without Violence and deemed sufficient. **MSP: Palmer/Myers -- to adopt the policy as presented.**

COMMUNITY COUNSELING SOLUTIONS. Health Department Manager Jessica Winegar reported Kimberly Lindsay is unable to be in court today so she is here to answer any questions the court members might have. Myers reported earlier this year Grant County received \$68,000 for vaccine incentive fund grants. Myers said it is still an individual choice, but the money is an incentive for those who might choose to get a vaccine. He said if someone chooses to get vaccinated they receive \$50 in Grant County greenback dollars that could be spent locally which also assists our local businesses. Vaccines can be given at the Health Department or Len's Drug. Athena Moline asked about incentives for those who choose to not get a vaccine and said she is a tax paying citizen. She expressed her opinion that no one should get the shot and there are regular remedies that work and that providing incentives to those who get a shot discriminates against those who don't. Marsha Christensen asked why the County Court was involved in pushing vaccines on citizens and Myers reported the court passed this responsibility on to Community Counseling Solutions (CCS) who manages the Health Department.

Christensen expressed her opinion that the County Court is weak. Myers reported he took an oath to uphold the US Constitution, Oregon Constitution and the laws thereof and he will continue to do so. Palmer said the role of government is not to require vaccines; it should be an individual choice. Discussion followed about the possibility of vaccines becoming mandatory for everyone at some point in the future. Myers believes the court would send letters in opposition if this were to happen. Palmer reported he, as a health care provider and court member, would oppose vaccine mandates. Hamsher stated the County Court does not have the authority to override executive orders and it is extremely frustrating. Judy Kerr questioned if the money that was turned over to CCS comes with accountability. Myers said absolutely and advised CCS is a non-profit entity. Winegar reminded those in attendance that there are currently requirements for vaccines to go to school and this has been in place for years and is nothing new. Preston expressed her belief that the executive orders put in place by the Governor are not law. Billie Jo George asked what happens if the funds are used up? Myers believes it would be sent back to the State. Several citizens expressed their frustration with the vaccine incentive program and money received.

RESOLUTION 21-24. The court reviewed Resolution 21-24 – In the Matter of the Proposed River Democracy Act. Palmer reported he and Commissioner Sheldon have been working on this matter. The River Democracy Act is a proposed piece of legislation that designates additional segments of waterways within Oregon as components of the National Wild and Scenic Rivers System. The proposed River Democracy Act has not gone through the normal process and no maps or meetings have been provided to local governing bodies. Palmer read Resolution 21-24 to those in attendance. Resolution 21-24 opposes the River Democracy Act as written and urges the offices of Senators Wyden and Merkley to hold public meetings in Grant County so the community's needs and objectives can be heard. **MSP: Hamsher/Myers -- to adopt Resolution 21-24 and circulate for signatures.** The court members answered questions from those in attendance and listened to several statements in opposition to the River Democracy Act.

10:53 am Justin Galbreath, Megan Workman and Billy Colson entered.

JUVENILE DEPARTMENT. Juvenile Department Manager Cindy Tirico provided the 2021-2023 Intergovernmental Agreement #14682 for Juvenile Crime Basic Services (IGA) and a State of Oregon Grant Agreement No. 15671 to the court for review and approval. Grant County is eligible to receive up to \$6,671 per year for two years for IGA #14682 and up to \$63,000 for Grant Agreement No. 15671. The department will use these funds for hourly wages for on-call temporary hold/transport staff, for a portion of the salary of the probation counselor and on-call compensation and probation intervention, evaluation and treatment services. Tirico recommended approving the IGA and Grant Agreement. **MSP: Myers/Hamsher -- to approve IGA #14682 and Grant Agreement No. 15671 and authorize Judge Myers to sign both.**

RESOLUTION 21-23. The court reviewed Resolution 21-23 – In the Matter of Declaring a Local Disaster and Emergency for the Purpose of Assessment, Evaluation, and Acquiring the Ability to Provide Appropriate Available Resources. Hamsher explained this resolution is specific to potable water needs. Hamsher read Resolution 21-23 to those in attendance. This resolution was written due to the magnitude of the current drought situation and the water shortages being experienced in local municipalities. The resolution pertains to all communities in Grant County and requests that Governor Kate Brown declare a State of Emergency for Grant County due to the lack of municipal water. **MSP: Hamsher/Myers -- to adopt Resolution 21-23 and circulate for signatures.**

ROCK QUARRY LEASE AGREEMENT. The court reviewed a rock quarry lease and mining agreement between Grant County and John and Sara Kropf. The Kropf's own a pre-existing rock pit consisting of approximately 3 acres. The annual lease payment is \$1,500 and the term of the lease is for six and a half (6 ½) years. **MSP: Myers/Palmer -- to approve the lease agreement and circulate for signatures.**

ROAD DEPARTMENT. The Road Department requested court approval to purchase a private easement that currently runs through the middle of the road department property from Joanie Warren. Warren is selling her property along with other items and this has increased traffic through the road department property. There was recently a water pump stolen from the road department. Warren has another access to her property. The easement purchase should make the road department facility more secure. The purchase price for the easement is \$10,000 and would be paid out of the road department budget line item of Capital Outlay – Land Acquisition. The Road Advisory Board recommends purchase of the easement as well **MSP: Palmer/Myers -- to approve purchase of the easement in the amount of \$10,000 to be paid from capital outlay – land acquisition.**

11:05 The court took a short break. 11:11 am The court returned to session.

11:11 am Amanda Lindsay, Casey Hallgarth, Wes Aasness, James Klusmier, Brenda Coley, Jenni Workman, Terry Aasness, Brook Griffith, Todd McKinley, Ryan Courtney, Brenda Coley, Charity Courtney, and Sharon Miller entered.

CONCERNED PARENTS REGARDING STATE MASK MANDATE. Several parents discussed their concerns regarding the State mask mandates for this upcoming school year. Ryan Courtney thanked the court members for taking time to hear concerns from parents today. Courtney stated he is deeply troubled by the mask mandates and penalties being mandated by the State and believes local control should be allowed. He said the school boards and educators make sound decisions and should be allowed to do so. Courtney reported the school board meeting last week was packed and parents are tired of the mandates. Parents are making the decision to not send their children to school all over the state. Courtney said parents should be the ones making decisions for their children. Hamsher expressed concern that if school enrollment drops, so will funding, and agreed that decisions should be made locally by school districts. Hamsher pointed out that what works for one county doesn't necessarily work for another. Myers agreed there is a big difference between big schools and small schools and we should be able to have local control over decisions made regarding our schools. Palmer is disturbed with the Governor relaxing the testing standards for reading and stated this goes further for him than just a mask mandate. Palmer believes this is a control issue with an ulterior motive and he will stand for freedom. All three court members stated they will support parents and the student board regarding local control and proposed the court discuss this with legislatures. Hamsher will bring this up during his telephone call with the Governor's office this afternoon. He said he would hate to see teachers leave or lose their teaching license over mask mandates. Judy Kerr asked if anyone had talked with the Oregon Department of Education (ODE) about the Governor's mandates. Palmer advised the Oregon Department of Education is appointed by the Governor. Elaine Smith reported the enforcement on masking requirements can be found in Oregon Administrative Rule (OAR) 333-019-1025. Myers said the court would like to help, but has not control over fines or licenses that are revoked and he urged everyone to proceed with caution. **MSP: Hamsher/Palmer – to send a letter of support for the school districts from the court to the Governor.** Palmer asked Superintendent Casey Hallgarth what would happen if children were pulled out of school. Hallgarth stated it would cause loss of teachers and mean

that teachers who remain may have to teach larger classes. He questioned why everything is going back to ground zero and supports local control. Hallgarth discussed the metrics used last year versus what is being used currently by the Governor. Myers said yesterday the court members were sent unofficial information regarding vaccine and masking requirements from the Governor's office that was to be announced today and were told not to share with anyone. Some state employees are going to be required to get vaccinated. Hallgarth expressed serious concern that if teachers and staff are required to get vaccinated the school district will lose valuable staff members. Civil penalties that have been set are \$500 per day per incident and that doesn't include penalties that could be imposed by the Oregon Occupational Safety and Health Administration (OSHA). Hallgarth said all of these mandates and penalties are causing division between people. ODE will not provide funding assistance for loss of enrollment, but will require enforcement. Hallgarth reiterated, he is here on behalf of himself, his staff and parents in support of local control and asked for court support which he believes they have. Billy Colson spoke in support of local control as well. Colson said he has written to the Governor's office and doesn't think he can get the same response as the court members will. Palmer reported he will look at the possibility of filing for a court injunction. Morris questioned what the government is trying do by downplaying citizen rights. Palmer stated there is something fundamentally wrong with our government when people want to create a new state or move our borders to another. Dentist James Klusmier spoke regarding data and said as a dentist he has had many years of training regarding infection control and he has been following COVID-19 research since it first happened. He reported everyone at some point will be exposed or infected by the COVID-19 virus and the statistically low number of children who have actually died from the virus and said every one of them had underlying health conditions and most children who contract the virus have very mild symptoms. The court members requested a copy of Klusmier's presentation to incorporate some of the information into the letter of support they intend to write. Amanda Lindsay spoke in support of local control and said she appreciates the courts support on this issue. She said several teachers oppose the mask mandate, but can't speak out because they could be held personally responsible. Lindsay asked if there was anything the county and county court could do to help and believes we must advocate for local control and support the teachers, parents and students. She doesn't believe this is going to stop and it's only going to get worse and we need to choose when to take a stand. She urged the County Court to think outside the box. She further requested the court discuss this with EOCA and Hamsher stated the 11 counties who were at the recent EOCA meeting have done so and are working on a letter of support for local control. Palmer stated enough is enough and something needs to be done. Hamsher is concerned about whether the court has the authority to stop the mask mandates. Hallgarth reported if he, or a teacher, for example, knows about the mandate not being enforced, but don't do anything, they can be held civilly liable. Myers will contact legal counsel to see if he knows of any case law that might be of assistance. Rowell expressed his support for what Lindsay said. Athena Moline just heard that the State of California is requiring vaccinations for teachers and she believes Governor Brown will follow and the court members' better be ready. Justin Galbreath expressed his understanding that the court doesn't necessarily have a lot to do with the schools, but it will not benefit the county if we have no schools and people leave the area because of it. He urged the County Court for assistance in taking a stand on this matter. Hamsher asked Hallgarth what the monetary value would be for him if he lost his licenses. Hallgarth said if he lost the three licenses he has he would not be able to work in any other state and no one knows what the severity could be. Hallgarth hopes if the Governor hears from representatives from eastern Oregon maybe the mandates might be relaxed like they were last year. Brenda Coley thanked the court members for listening to those in attendance today. Coley said Governor Brown uses threats to enforce her mandates and this is criminal and wrong. Coley played a video of a speech from Florida Governor Ron DeSantis. Coley stated all children are a gift from God and it is our responsibility to

protect them. Coley read a letter from Shilo Burton-Harper urging the court members to take local control back and asking the court to support parents and children.

12:29 pm Stephanie Williams entered.

In the letter Burton-Harper questioned why facts are not being used in the decisions being made and summarized the learning and emotional issues her children have faced and are facing. Coley stated mask wearing isn't about safety, it's political. Coley asked the court to help un-mask the children. Coley stated we live in the United States of America, but right now it feels like a third world country.

Charity Courtney stated she is here today to be a voice for the teachers in School District 3 and 4 and read a letter from a Prairie City School teacher and mother who believes masking is detrimental to the mental, emotional and physical health of children.

Courtney read a second letter from a Prairie City School teacher and mother. The letter explained her 5 year old child's health issue with hearing loss and his need to be able to see people's mouths and read facial expressions.

Courtney read a third letter from a Grant School District #3 teacher and parent who reported masks are becoming a detriment and distraction to learning for students and questioned how much time will be lost teaching for mask enforcement and questioned who is going to protect the teachers? The superintendent and school board could face civil penalties in trying to do so. All three teachers pled for County Court assistance.

Palmer addressed Myers and Hamsher and believes the court needs to go the extra mile for our children and constituents. Palmer stated it is time, the line has been drawn, and it is time to take a stand. Myers agreed they will do whatever they can, but it is irresponsible to make promises they can't keep. Myers said collectively and individually they will approach the Governor's office and do whatever they can.

Hamsher is hopeful that school board superintendents, school board members and representatives can all sign on together as there is strength in numbers. Hamsher will bring this matter up during his phone call today with the Governor's office. Hamsher thanked everyone for attending. Marsha Christensen asked if the letter could be broadened to include all of Grant County. Palmer is in favor of including local control over all matters. Sharon Miller believes they all came today to see if the County Court has the same passion as the citizens. Miller would like to see more volume from the court. Michael Christensen suggested the people of Grant County write individual letters to the Governor and State

Representatives as well. Hallgarth said on the PC Facebook page there are addresses for several representatives. Terri Aasness asked if another re-call petition could be filed against Governor Brown. Myers stated this could be done because it did not make it to a vote the last time. Preston believes the Governor is breaking enough laws a case could be built for impeachment.

1:06 pm -- Adjourned.

Respectfully Submitted,

Laurie Cates
Human Resources Manager

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