

# COLUMBIA COUNTY

## Board of Commissioners Office

### Commissioners

Margaret Magruder

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Alex Tardif

### Administration

Jacyn Normine



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## BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

Wednesday, October 30, 2019

10:00 a.m. – Room 310

## BOARD MEETING AGENDA

### CALL TO ORDER/FLAG SALUTE

### MINUTES:

- October 23, 2019 Board Meeting
- October 23, 2019 Work Session

### VISITOR COMMENTS – 5 MINUTE LIMIT

### HEARING:

In the Matter of Adopting the Columbia County Livestock at Large Nuisance Ordinance No. 2019-6

### CONSENT AGENDA:

- A. Ratify the Select to Pay for 10.28.19
- B. Authorize the Land Development Services Director to Fill the Permit Technician Position.

### AGREEMENTS/CONTRACTS/AMENDMENTS:

- C. Declaration of Release of Covenants and Restrictions for a Portion of the Chapman Landing Project and authorize Chair to sign
- D. Quitclaim Deed to Kenneth E. Bernet for a Portion of Chapman Landing and authorize Chair to sign

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR THE COUNTY OF COLUMBIA, OREGON

In the Matter of Adopting the Columbia )  
County Livestock at Large Nuisance )                   ORDINANCE NO. 2019-6  
Ordinance )

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

**SECTION 1.           TITLE**

This Ordinance shall be known as Ordinance No. 2019-6, the “Columbia County Livestock at Large Nuisance Ordinance.”

**SECTION 2.           AUTHORITY**

This Ordinance is adopted pursuant to ORS 203.035 and ORS 203.065.

**SECTION 3.           PURPOSE**

The purpose of this Ordinance is to protect the health, safety and welfare of residents of Columbia County by declaring livestock at large in the closed range livestock district in the unincorporated areas of Columbia County to be a nuisance. This Ordinance authorizes the Animal Control Officer and other authorized persons in the County to issue citations for violation of this Ordinance and seize, impound and dispose of livestock found to be at large. This Ordinance shall be liberally construed and interpreted to give full effect to that policy and purpose.

**SECTION 4.           SCOPE**

This Ordinance shall apply in the closed range livestock district in the unincorporated areas of Columbia County as provided in this Ordinance.

**SECTION 5.           ADOPTION**

The “Columbia County Livestock at Large Nuisance Ordinance” which is attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby adopted.

**SECTION 6. SEVERABILITY**

If any provision of this Ordinance, including Exhibit "A," is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

**SECTION 7. SCRIVENER'S ERRORS**

Any scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

**SECTION 8. EMERGENCY CLAUSE**

This Ordinance, being immediately necessary for the health, safety and welfare of residents of Columbia County, an emergency is declared to exist, and it shall become effective immediately upon its adoption.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Approved as to Form

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Office of County Counsel

By: \_\_\_\_\_  
Henry Heimuller, Chair

By: \_\_\_\_\_  
Jacyn Normine, Recording Secretary

By: \_\_\_\_\_  
Margaret Magruder, Commissioner

First Reading: \_\_\_\_\_

By: \_\_\_\_\_  
Alex Tardif, Commissioner

Second Reading: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**EXHIBIT A**  
**COLUMBIA COUNTY LIVESTOCK AT LARGE NUISANCE ORDINANCE**

**SECTION 1.           APPLICABILITY**

- A. This Ordinance applies in the closed range livestock district in unincorporated areas of Columbia County. Except as provided in B, below, all of unincorporated Columbia County, Oregon is a livestock district wherein it is unlawful to permit livestock to run at large.
- B. This Ordinance does not apply to the following:
1. Land in open range livestock districts as described in Paragraphs 2-6 in the State Department of Agriculture Order dated February 4th, 1958, which is attached hereto as Exhibit 1, and is incorporated herein by this reference, and as shown in the map which is attached hereto as Exhibit 2, and is incorporated herein by this reference;
  2. Land entirely enclosed by federal land, unless otherwise provided by the laws or regulations of the United States; and
  3. Public roads that pass through federal land, unless otherwise provided by the laws or regulations of the United States.

**SECTION 2.           PURPOSE**

The purpose of this Ordinance is to protect the health, safety and welfare of residents of Columbia County by declaring livestock at large in Columbia County to be a nuisance. This Ordinance authorizes the Animal Control Officer and other authorized persons in the County to issue citations for violation of this Ordinance and seize, impound and dispose of livestock found to be at large. This Ordinance shall be liberally construed and interpreted to give full effect to that policy and purpose.

**SECTION 3.           DEFINITIONS**

For the purpose of this Ordinance, the following terms are hereby defined, unless the context requires otherwise:

- A. "Animal Control Officer" means the Columbia County Animal Control Officer or authorized persons designated in the Columbia County Enforcement Ordinance to enforce this Ordinance.

- B. "At Large" means livestock that goes upon the land of another in a closed range livestock district without consent of the landowner or other person authorized to consent to use of the land.
- C. "Board" means the Board of County Commissioner for Columbia County, Oregon.
- D. "Closed range livestock district" means all of unincorporated Columbia County except areas set forth in Section 1.B. of this Ordinance.
- E. "Livestock" means animals of the bovine species, horses, mules, asses, sheep, goats, swine, llamas, alpacas, poultry and rabbits.
- F. "Open range livestock district" means unincorporated areas of Columbia County wherein it is lawful to permit livestock to run at large.
- G. "Owner" means any person with an ownership and/or possessory interest in livestock; any person that boards, cares for or otherwise acts as custodian of livestock; any person with an ownership and/or possessory interest in land where livestock resides that permit a violation of this Ordinance to occur or continue. "Owner" includes, but is not limited to, livestock owners, landowners, landlords, lessors, lessees, and occupants of land where livestock resides.
- H. "Permit" means to engage in conduct that is intentional, deliberate, careless, inadvertent or negligent in relationship to controlling livestock.
- I. "Person" means any natural person, association, partnership, firm, charitable organization, corporation or similar entity.
- J. "Poultry" means chickens, ducks, geese, turkeys and all other domesticated fowls or birds.

**SECTION 4. LIVESTOCK AT LARGE IS PROHIBITED AND DECLARED A NUISANCE**

No Owner shall permit livestock to be at large. An Owner shall be in violation of this Ordinance if the Owner permits livestock to be at large. Livestock at large is hereby declared a nuisance.

**SECTION 5. ENFORCEMENT OF VIOLATIONS**

A. Enforcement Authority:

This Ordinance shall be enforceable under the procedures prescribed herein and the Columbia County Enforcement Ordinance.

B. Enforcement is Permissive, Not Mandatory:

Enforcement of this Ordinance is permissive, not mandatory, and is within the discretion of the Animal Control Officer and the Board.

C. Impoundment:

1. The Animal Control Officer may seize and impound livestock if the officer has probable cause to believe that the livestock is at large.
2. The Animal Control Officer may use reasonable efforts to restrain and impound the at large livestock, and protect persons, other animals and property from damage from livestock.
3. The Animal Control Officer shall maintain an inventory and record of impounded livestock. The record shall include:
  - a. A basic description of the livestock, impoundment date, grounds for impoundment and circumstances of the impoundment;
  - b. All evidence collected related to the determination that the livestock was at large; and
  - c. The date the Notice of Impoundment was sent to the owner of the livestock and subsequent disposition of the livestock.
4. The Animal Control Officer may, in the officer's discretion, transfer possession of impounded livestock to a foster or other care provider for boarding and care of the livestock on behalf of the County. The County shall maintain guardianship of the livestock until the County provides for the disposition of the livestock.

The County may pay a foster or other care provider a reasonable amount for boarding and caring for the livestock.

D. Citations:

1. In addition to the impoundment procedures set forth in this Ordinance, the Animal Control Officer may use the enforcement procedures, including, but not limited to the issuance of citations and imposition of penalties, set forth in the Columbia County Enforcement Ordinance.

E. Penalties:

1. Owners found in violation of this Ordinance are subject to the penalties prescribed in the Columbia County Enforcement Ordinance.
2. Owners shall be jointly and severally liable for each violation of this Ordinance.

**SECTION 6. NOTICE AND APPEALS PROCESS**

A. Notice of Impoundment:

1. The Animal Control Officer shall expeditiously make reasonable effort to identify the owner of the livestock by the following means:
  - a. Requesting investigation by the Oregon Department of Agriculture if the livestock is branded;
  - b. Inquiring of residents in the area of the impoundment reasonably expected to have information about ownership of the livestock;
  - c. Reviewing County animal control records; and
  - d. Any other means that is reasonably likely to discover the owner of the livestock.
2. If the Animal Control Officer is unable to determine the owner of the livestock, the Animal Control Officer shall no later than 10 days after impoundment, publish Notice of Impoundment in a newspaper of general circulation in the County. Notice shall be published two times consecutively. The Notice of Impoundment shall include:
  - a. A description of the location of the premises, by street address or otherwise, where the livestock was impounded;

- b. A statement that the livestock was impounded for violating this Ordinance;
  - c. A concise description of the livestock, including marks and brands, if any;
  - d. The date that the animal was impounded;
  - e. A statement that the owner is responsible for cost of impounding, boarding and care for the livestock and penalties for each violation of this Ordinance;
  - f. Identify the presumptive fines for each violation of this Ordinance and state that violations of this Ordinance is enforceable through the impoundment procedures in this Ordinance and enforcement procedures in the Columbia County Enforcement Ordinance;
  - g. A statement that the owner may dispute impoundment by timely submitting a written appeal request for a hearing, which must be received by the Board no later than fourteen (14) calendar days from the date of the last publication of the Notice of Impoundment;
  - h. A statement that a request for a hearing must include the requestor's name and contact information, including a mailing address and phone number. The request for a hearing must also include a statement explaining why impoundment is believed to be improper, accompanied by any material facts and evidence claimed to support the contention;
  - i. A statement that failure to request a hearing in a timely manner will result in a conclusive presumption that a nuisance exists pursuant to this Ordinance;
  - j. A statement that the County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment; and
  - k. A statement that if the owner of the livestock appears prior to the County disposition of the livestock, the County shall deliver the animal to the owner if the owner pays the County costs and presumptive fines as provided for under this Ordinance and provides satisfactory evidence that the owner has or will implement reasonable measures to prevent further violation of this Ordinance.
3. If the Animal Control Officer has identified the owner of the livestock, the Animal Control Officer shall no later than five days after identifying the owner,



send Notice of Impoundment to the owner by certified or registered mail and by first class, postage prepaid, addressed to the owner at the owner's address of record in the County. The Notice of Impoundment shall include:

- a. A description of the location of the premises, by street address or otherwise, where the nuisance was observed;
- b. A statement that the livestock was impounded for violating this Ordinance;
- c. A concise description of the livestock, including marks and brands, if any;
- d. The date that the animal was impounded;
- e. A statement that the owner is responsible for cost of impounding, boarding and care for the livestock and penalties for each violation of this Ordinance;
- f. Identify the presumptive fines for each violation of this Ordinance and state that violations of this Ordinance is enforceable through the impoundment procedures in this Ordinance and enforcement procedures in the Columbia County Enforcement Ordinance;
- g. A statement that the owner may dispute impoundment by timely submitting a written appeal request for a hearing, which must be received by the Board no later than fourteen (14) calendar days from the date of the Notice of Impoundment;
- h. A statement that a request for a hearing must include the requestor's name and contact information, including a mailing address and phone number. The request for a hearing must also include a statement explaining why impoundment is believed to be improper, accompanied by any material facts and evidence claimed to support the contention;
- i. A statement that failure to request a hearing in a timely manner will result in a conclusive presumption that a nuisance exists pursuant to this Ordinance;
- j. A statement that the County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment; and

- k. A statement that if the owner of the livestock appears prior to the County disposition of the livestock, the County shall deliver the animal to the owner if the owner pay the County costs, and provides satisfactory evidence that the owner has or will implement reasonable measures to prevent further violation of this Ordinance.
4. To provide notice to potential lien holders or other persons having an interest in the livestock, the Animal Control Officer shall:
  - a. Provide a Notice of Impoundment in substantially the form provided above to any known lien or other interest holder;
  - b. Publish a Notice of Impoundment in substantially the form provided above in a newspaper of general circulation in the County two times in consecutive publications; and
  - c. Give notice by any other means reasonably likely to notify a lien or other interest holder.

B. Request for Hearing:

1. An owner of the livestock and/or other person with a lien or other interest holder may dispute the Animal Control Officer's finding of a violation of this Ordinance and impoundment by timely submitting a written request for a hearing to the Board of County Commissioners, 230 Strand Street, Room 338, St. Helens, Oregon 97051. The request for a hearing must be received by the Board no later than fourteen (14) calendar days from the date of the Notice of Impoundment or last publication of the Notice of Impoundment. If the fourteenth calendar day after the notice falls on a weekend, legal holiday, or a day the Columbia County Courthouse is otherwise closed, the written request for a hearing shall be timely if received by the Board on the next business day.
2. The written request for a hearing must include the requestor's name and contact information, including a mailing address and phone number. The request for a hearing must also include a statement explaining why impoundment is believed to be improper, accompanied by any material facts and evidence claimed to support the contention.
3. If the person requesting a hearing is a lien or other interest holder the written request for a hearing must include the basis for such interest in the livestock with evidence to establish the interest.

C. Presumption of a Nuisance:

Failure to make a timely request a hearing to dispute the Animal Control Officer's determination of a violation of this Ordinance and impoundment of livestock shall result in a conclusive presumption that a nuisance exists pursuant to this Ordinance and that the livestock owner and/or lien or other interest holder is conclusively presumed to have admitted that a nuisance exists pursuant to this Ordinance.

D. Notice of Hearing:

1. If the livestock owner and/or lien or other interest holder makes a timely written request for a hearing, the Board shall issue and serve a Hearing Notice as follows:

- a. The Hearing Notice shall require appearance before the Board at the time and place specified in the Hearing Notice, to show cause why a nuisance should not be declared to exist and
- b. The Hearing Notice shall state that failure to appear at the hearing shall constitute an admission that a nuisance exists and that the County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment, unless the livestock owner and/or lien or other interest holder appears at the hearing and a finding is made that no nuisance existed to support the impoundment.

2. Time of Hearing:

The time for the hearing shall be not less than ten (10) days after the service of the Hearing Notice.

3. Service of Hearing Notice:

Service of the Hearing Notice shall be made by certified or registered mail, return receipt requested, and by first class mail, postage prepaid, to the address or addresses provided. In addition the Hearing Notice shall be posted on the premises where the livestock owner resides, if possible. If no contact information was provided in the request for hearing, the County shall mail the Hearing Notice to the last known address of the livestock owner and/or lien or other interest holder. If the Hearing Notice is returned or refused, the livestock owner and/or lien or other interest holder will be deemed to have withdrawn the request for a hearing.

E. Hearing.

At the time and place specified in the Hearing Notice, the Board shall hold a hearing to determine whether a nuisance exists. It shall be the County's burden to establish

by a preponderance of the evidence that a nuisance existed under this Ordinance. The rules of evidence shall not apply. The Board's decision shall be in writing and shall be mailed to the owner. The Board's written decision is final.

- F. If after hearing evidence and testimony the Board determines by a preponderance of the evidence that a nuisance existed the Board shall determine the appropriate fine, including all costs incurred by the County and the base fine under the Enforcement Ordinance. In addition, the Board may require that reasonable measures be taken to secure the livestock on Owner's property. Upon payment of the fine and compliance with all other measures the County will release the impounded livestock within 48 hours.
- G. If after hearing evidence and testimony the Board determines that a nuisance did not exist, the County will release the impounded livestock within 48 hours.

H. Appeal of Board Decision:

An appellant's sole remedy on appeal is writ of review pursuant to ORS 34.010 to 34.102.

**SECTION 7. COUNTY DISPOSITION OF IMPOUNDED LIVESTOCK**

- A. If the County is unable to determine in a timely manner the owner of the livestock or if the known owner of the livestock does not appear in response to the Notice of Impoundment or Notice of Hearing under Section 6.A. or Section 6.D., respectively, of this Ordinance, the County may dispose of the livestock as provided in this Ordinance.
- B. The County may dispose of unclaimed livestock not less than 30 days following the last publication of the Notice of Impoundment.
- C. Once livestock is sold or adopted, buyer or adopter shall become the owner of the livestock.
- D. The County and its officers, agents, and employees shall not held responsible or liable for any damages arising out of the disposition of impounded livestock.
- E. Methods of Disposition:

- 1. Disposition of livestock at large by the County may be made through public sale, adoption or humane euthanasia.
- 2. The County may humanely euthanize livestock when the Animal Control Officer determines that the livestock cannot be safety impounded.

3. The County may humanely euthanize impounded livestock when a veterinary recommends euthanize for medical reasons.

The County may also humanely euthanize impounded livestock when the County is unable to sell or find an adopter for the livestock within a reasonable time.

F. Public Sale:

Sale of impounded livestock shall be by public auction pursuant to rules adopted by the Board of County Commissioners. Proceeds from the sale shall be paid first to the Animal Control Fund for the costs incurred by the County for publication, sale, transportation, feed and care, and all other reasonable costs incurred by the County. If proceeds remain they shall be paid to the County General Fund to refund all costs incurred by the County for staff time. Any proceeds remaining after reimbursement to the County shall be paid to the owner of the livestock.

Livestock Districts



STATE DEPARTMENT OF AGRICULTURE  
State of Oregon  
Agriculture Building  
Salem, Oregon

Relating to:

The determination that livestock  
districts exist in Columbia  
County, State of Oregon

ORDER

As authorized and required by Chapter 604, Oregon Laws 1957, and more particularly Section 34 of said Act, the State Department of Agriculture held a public hearing in the County Court House, St. Helens, Oregon, on January 16, 1958, at which time testimony and evidence was received as to the existence, if any, of livestock districts in Columbia County, Oregon. As a result of such hearing, and upon advice of the District Attorney and other county officials, and the further review of all available county and other records and laws, by the State Department of Agriculture,

IT IS HEREBY DECLARED AND DETERMINED:

Paragraph No. (1). With the exception of and subject to the provisions of Paragraphs (2), (3), (4), (5), (6), (7) and (8) of this order and based on an election held in Columbia County in November 1916, all of Columbia County, Oregon is a livestock district wherein it is unlawful to permit livestock (as defined by Chapter 604, Oregon Laws, 1957) to run at large.

Paragraph No. (2). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, (known as the Vernonia Livestock District) is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"Beginning at the NW corner of Section 18, Township 5 North, Range 5 West of the Willamette Meridian, thence east 4 miles to the SW corner of sec 11, T5N, R5W WM, thence north 1 mile to the NW corner of said section 11, thence east approximately 5 1/2 miles to the intersection of the north section line of section 10, T5N, R4W, WM, with the Nehalem River, thence in a southerly direction along the center line of the Nehalem River to a point which is approximately the SE corner of section 22, T5N, R4W, W.M., said point being the intersection of the Nehalem River and said section 22, thence west 9 miles to the SW corner of section 20, T5N, R5W, W.M., thence south 3 miles to the SE corner of section 6, T4N, R5W, WM., thence west 1 mile to the SW corner of said section 6, which is the westerly boundary of Columbia County, thence north 5 miles along the westerly boundary line of Columbia County to the place of beginning."

Paragraph No. (3). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, (known as the Pebble Creek Livestock District) is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"Beginning at the NW corner of section 20, T4N, R4W, W.M., thence east to the NW corner of section 20, T4N, R4W, W.M., thence south to the SE corner of section 29, T4N, R4W, W.M., thence east 1 mile to the SW corner of section 27, T4N, R4W, W.M., thence north 1 mile to the NW corner of section 27, T4N, R4W, W.M., thence east 1 mile to the SE corner of section 27, T4N, R4W, W.M., thence north 2 1/2 miles to the quarter corner common to section 10 and 11, T4N, R4W, W.M. thence easterly along center line of section 11 to the quarter corner common to sections 11 and 12, T4N, R4W, W.M., thence south 4 1/2 miles to the SE corner of section 35 T4N, R4W, W.M., thence west along the south line of Columbia County 3 1/2 miles to the quarter corner on the south line of section 32, T4N, R4W, W.M. thence north along center line of said section 32 to the quarter corner common to sections 29 and 32 T4N, R4W, W.M., thence west to the SW corner of section 29, T4N, R4W, W.M. thence

north 2 miles to the place of beginning."

Paragraph No. (4). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, (known as the Apiary Livestock District) is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"Beginning at the NW corner of section 7 T6N, R3W, W.M., thence east 2 1/4 miles to the SW corner of the SE 1/4 of the SW 1/4 of section 4 T6N, R3W, W.M., thence north 3/4 of a mile to the center of the NW 1/4 of said section 4, thence west 1/4 mile to the section line common to sections 4 and 5 T6N, R3W, W.M., thence north 1/4 mile to the NW corner of said section 4, thence east 1 mile to the NE corner of said section 4, thence south 5 miles to the SE corner of section 28 T6N, R3W, W.M. thence west 3 miles to the SW corner of section 30 T6N, R3W, W.M., thence north 4 miles to the place of beginning."

Paragraph No. (5). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"The Southeast quarter of Section 27, T7N, R3W, W.M."

Paragraph No. (6). Notwithstanding the provisions of Paragraph (1) of this order, the following area or the territory within the following described boundaries, is an open range as defined by Chapter 604, Oregon Laws 1957, wherein livestock may lawfully be permitted to run at large:

"The Southeast quarter of section 11 and the south half of section 12, T6N, R3W, W.M."

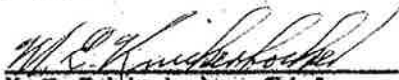
Paragraph No. (7). Notwithstanding Paragraphs (1) to and including Paragraph (6) of this order, and as required by Section 34 (1) (i) of Chapter 604, Oregon Laws 1957, no livestock districts exist in land subject to the laws of this state which is entirely inclosed by federal land (as defined by Chapter 604, Oregon Laws 1957), unless otherwise provided by the laws or regulations of the United States.

Paragraph No. (8). Notwithstanding Paragraphs (1) to and including Paragraph (6) of this order, and as required by Section 34 (1) (j) of Chapter 604, Oregon Laws 1957, no livestock districts exist in public roads passing through federal land (as defined by Chapter 604, Oregon Laws 1957), unless otherwise provided by the laws or regulations of the United States.

This order is to be effective as of the date it is signed.

Signed this 7th day of February 1958.

Signed:



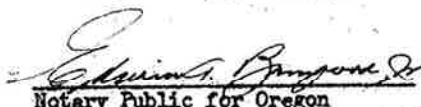
M. E. Knickerbecker, Chief  
Division of Animal Industry  
State Department of Agriculture  
Salem, Oregon

Signed:



Robert J. Steward, Director  
State Department of Agriculture  
Salem, Oregon

Subscribed and sworn to before me this 7th day of February 1958

  
Notary Public for Oregon

My commission expires MY COMMISSION EXPIRES OCT. 7, 1968

## Chapter 604

### 1957 REPLACEMENT PART

## Brands and Marks

#### DEFINITIONS; GENERAL PROVISIONS

- 604.010 "Brand" defined
- 604.020 "Brand inspection" and "brand inspection certificate" defined
- 604.030 "Brand inspector," "committee," "common carrier," "contract carrier," "department" and "director" defined
- 604.040 "Livestock," "livestock auction sale," "market agency," "memorandum brand inspection certificate," "packer" and "private carrier" defined
- 604.050 "Record of transfer," "slaughterhouse," "stockyard," "transported" and "transportation certificate" defined
- 604.060 Marking domestic animals on the ear
- 604.070 Killing unbranded or improperly branded cattle

#### RECORDING OF BRANDS

- 604.110 Recording brands with department; furnishing copies of brands
- 604.120 Adjustment of conflicting brands
- 604.130 Restrictions on use of brands and place of recording
- 604.140 Recording and re-recording of brands
- 604.150 Certified copy of record
- 604.160 Recorded brand as property; transfer of brands
- 604.170 Publication of brand and mark book; disposition of fees
- 604.180 Brand as prima facie evidence; proof of right to use brand
- 604.190 Recordation as requisite to admissibility of brand
- 604.200 Branding and recording brands of foxes
- 604.210 Public record of brands and marks on horses and cattle received in stockyards
- 604.220 Use of unrecorded brand
- 604.230 Use of earmarks, wool and tattoo marks

#### BRAND INSPECTION CERTIFICATE; TRANSPORTATION OF LIVESTOCK

- 604.310 Certificates required for transportation of livestock
- 604.320 Submitting proof of ownership or right to possession of livestock subject to brand inspection; seizure and sale of livestock upon failure to do so

- 604.322 Payment of proceeds of sale of impounded livestock to owner; settling adverse claims to proceeds; disposition of proceeds if no satisfactory claim
- 604.324 Method of proof of ownership of livestock or right to proceeds of sale
- 604.330 Taking up transportation certificates; disposition
- 604.340 Carrier to receive proper certificate before transporting livestock; delivery of certificate to consignee
- 604.350 Impounding and disposing of livestock or part believed not owned by possessor
- 604.360 Brand inspection before sale or slaughter of livestock
- 604.370 Permitting inspection
- 604.380 Making false representation
- 604.390 Brand inspection fee; payment of travel expenses for inspections not made at official station
- 604.395 Exemption from brand inspection fee
- 604.400 Collection and disposition of brand inspection fee
- 604.410 Refunding of inspection fees
- 604.420 Collecting fees in stockyards under federal jurisdiction
- 604.425 Reciprocal agreements with other states; authority with respect to livestock entering Oregon
- 604.430 Issuance and disposition of certificates

#### PERSONS ADMINISTERING BRANDING LAWS; JURISDICTION OF COURTS

- 604.510 The department, assisted by the Livestock Advisory Committee, to administer brand inspection laws
- 604.520 Appointment, organization and compensation of the Livestock Advisory Committee
- 604.531 Appointment, qualifications and compensation of brand inspectors
- 604.540 General powers and duties of brand inspectors and police officers
- 604.550 Jurisdiction of courts

#### PENALTIES

- 604.990 Penalties

#### CROSS REFERENCES

- Alteration of brands and earmarks, 165.405
- Amendments made to this chapter in 1953 not to affect existing rights, 1953 c.358 §11
- Counterfeit brands, 165.185
- Owners and persons in charge of livestock to assist department, 597.280
- Parakeets sold or held for sale to be banded to identify breeder, 596.480
- Regulation of meat dealers or slaughterers to prevent theft, Ch. 603
- Sale of freshly branded range livestock prohibited, 607.345 to 607.360

- Tampering with brands, 165.410
- 604.310
- Veterinarian test for disease may be required of person moving livestock, 597.270
- 604.510
- Administrative procedures and rules of state agencies, Ch. 183
- 604.520
- Limitation on traveling expenses, 292.210 to 292.298



SUPERSEDED

**DEFINITIONS; GENERAL PROVISIONS**

**604.010 "Brand" defined.** (1) As used in ORS 165.405, 165.410 and 604.110 to 604.230, the term "brand" means a distinctive design made on the hide, skin or wool of:

(a) Sheep, goats, hogs, poultry or foxes in a specified location by a heated iron, tattoo, caustic chemical substance or paint.

(b) Horses, cattle or mules in a specified location by a heated iron or caustic chemical substance.

(2) As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term "brand" means a design, pattern or insignia made for the purpose of identifying livestock, either by burning it into the hide, hoofs or horns of livestock, by means of a hot iron, by the use of acid or chemicals, by tattooing in the ears or lips, by tags, flesh marks or any other means of identification. [Amended by 1957 c.287 §1]

**604.020 "Brand inspection" and "brand inspection certificate" defined.** As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(1) "Brand inspection" of livestock means the examination of such livestock by a brand inspector for brands, tags, flesh marks or earmarks, dewlaps, wattles, color, sex, age or any other form of identification.

(2) "Brand inspection certificate" means a written document in a form approved by the department which shall contain:

(a) The date of issuance.

(b) A description by sex, predominating breed, brands, marks or other identifying characteristics of the livestock inspected.

(c) The name of the person in possession and, if such person is not the owner, the name of the owner.

(d) The point where the shipment originated.

(e) A signed statement by the brand inspector that he has inspected the livestock and that to the best of his knowledge the person in possession is the lawful owner or such owner's agent.

(f) The destination of the shipment if the inspection is performed other than at the destination.

(g) Such other information as the department may prescribe. [Amended by 1953 c.358 §15]

**604.030 "Brand inspector," "committee," "common carrier," "contract carrier," "department" and "director" defined.** (1) As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(a) "Brand inspector" means a person appointed pursuant to ORS 604.531 to inspect livestock as to brands.

(b) "Committee" means the Livestock Advisory Committee.

(c) "Common carrier" means any person who transports for hire or who holds himself out to the public as willing to transport for hire, compensation or consideration by rail, motor vehicle, boat or aircraft from place to place, persons or property, or both, for those who may choose to employ him.

(d) "Contract carrier" means any person engaged in transportation by rail, motor vehicle, boat or aircraft of persons or property, or both, for compensation, under special and individual agreements, leases or other arrangements and not included in the term "common carrier" as defined in paragraph (c) of this subsection.

(2) As used in this chapter the term:

(a) "Department" means the State Department of Agriculture.

(b) "Director" means the Director of Agriculture.

**604.040 "Livestock," "livestock auction sale," "market agency," "memorandum brand inspection certificate," "packer" and "private carrier" defined.** As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(1) "Livestock" means all cattle, horses, mules and asses.

(2) "Livestock auction market" means a livestock auction market licensed as such by the state.

(3) "Market agency" means any person engaged in the business of buying or selling livestock at a stockyard on a commission basis, or furnishing stockyard services.

(4) "Memorandum brand inspection certificate" is a written document in a form prescribed by the department. It shall be issued free of charge to any person purchasing livestock at a stockyard, livestock auction market or other place wherein brand inspection is required and where such brand inspection has been performed by an Oregon brand inspector. The purpose of such certificate shall be to authorize the trans-

portation of the livestock described therein either directly to a point outside this state or to a slaughter plant for immediate slaughter. It shall contain such information as the department may deem necessary to show the livestock described therein have been brand inspected but including, among other things, the destination of the livestock and the date of issuance. It shall not be valid for the authorization or transportation or slaughter for a period of more than eight days from date of issuance.

(5) "Packer" means any person engaged in the business of buying livestock for purposes of slaughter or manufacture or preparing meats or meat products for sale or shipment.

(6) "Private carrier" means any person not included in the term "common carrier" or "contract carrier," who transports by rail, motor vehicle, boat or aircraft property of which he is the owner, lessee or bailee, when such transportation is for the purpose of sale, lease, rent or bailment or in the furtherance of any commercial enterprise. [Amended by 1953 c.358 §15]

**604.050 "Record of transfer," "slaughterhouse," "stockyard," "transported" and "transportation certificate" defined.** As used in ORS 604.010 to 604.050 and 604.310 to 604.550, unless otherwise required by the context, the term:

(1) "Record of transfer" means a legible, dated writing which recites the transfer of ownership of certain livestock described by brands, marks and other identifying characteristics from one named person to another and which is signed by the transferor. It need not set forth the consideration for the sale if such be the case. If the transfer of ownership is subject to acceptance and payment of a check, bill of exchange, other credit instrument or is subject to any other condition, the transferor may so indicate.

(2) "Slaughterhouse" means any building, plant or establishment where animals are killed or dressed, the meat or meat products of which are to be offered for sale.

(3) "Stockyard" means any establishment where services or facilities are furnished to the public in connection with the receiving, buying or selling of livestock on a commission basis or at auction, involving any change of ownership.

(4) "Transported," "transporting" and "transportation" refer to and mean any

movement of livestock whether by common carrier, contract carrier, private carrier or on the hoof, except:

(a) Movement by the owner or person in lawful possession of livestock when drifted, herded or trailed to or from pasture or range in the regular course of ranch operation, where no change of ownership, right or interest is involved.

(b) Movement by the owner or person in lawful possession of horses for handling, herding or trailing livestock, or for racing, showing, displaying or exhibiting them and return when no change of ownership, right or interest is involved or contemplated. However, any person moving horses for racing, showing, displaying or exhibiting shall have with him at the time of such moving evidence of ownership or right to possession of such horses.

(5) "Transportation certificate" means a certificate signed by the owner or person in lawful possession of the livestock to be transported, on a form to be approved by the department, containing the following:

(a) The owner.

(b) The point of origin and the point of destination of such transportation.

(c) Description by marks, brands or other identifying characteristics of the livestock to be transported.

(d) A form for record of transfer.

(e) Such other information as the department may prescribe. [Amended by 1953 c.358 §15]

**604.060 Marking domestic animals on the ear.** (1) No person, in marking domestic animals on the ear, shall cut, mark or remove any part of the ear exceeding one-half.

(2) All justices of the peace have jurisdiction over violations of this section.

**604.070 Killing unbranded or improperly branded cattle.** No person shall kill, or cause to be killed for sale, or use, any unbranded neat cattle which during any period of the year run at large upon the public range, or any such cattle on which the brand has not peeled off and fully healed, unless such cattle have an older and recorded brand. No person shall purchase and kill, or cause to be killed, for sale or use, any such neat cattle having a brand not legally owned by such person, without having taken a duly executed and acknowledged bill of sale for them, from the owner thereof.

**604.080 to 604.100** [Reserved for expansion]

# METSKER'S MAP — OF — COLUMBIA COUNTY OREGON

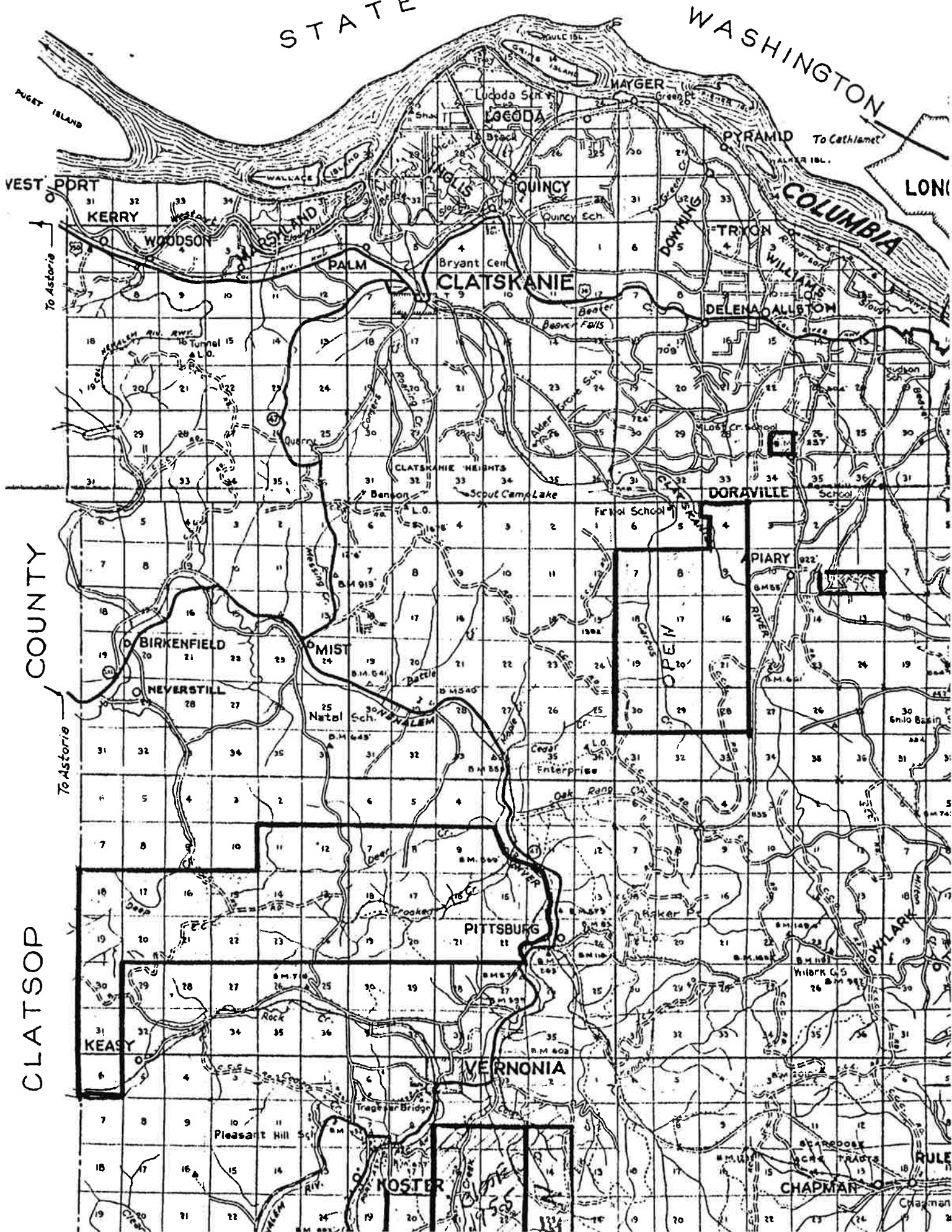
SCALE  $\frac{1}{2}$  IN. = ONE MILE  
COMPILED BY CHAS. F. METSKER C.E.  
212 SWETLAND BLDG., PORTLAND, ORE.  
111 SO. 10TH ST. TACOMA, WASH.  
1020 - THIRD AVE., SEATTLE, WASH.

- LEGEND -

- PAVED ROADS ■
- STATE HWYS. NOT PAVED □
- GRAVELED ROADS ▤
- DIRT ROADS ▥
- INFERIOR ROADS ▧
- RAILROADS ⊕
- INTERMITTENT CR. - · - ·
- TRAILS - - -
- CAMPS ○
- SCHOOLS ○
- U.S. HWY ○
- STATE HWY. ○
- BUILDING 6
- LOOKOUTS
- ELEVATIONS 62



# STATE OF WASHINGTON



CLATSOP COUNTY

CLATSOP COUNTY

To Astoria

To Astoria

To Astoria

LONG

CHAPMAN

- E. C137-2019 Memorandum of Agreement (MOA) by and between Columbia County (County) and the Columbia County Deputy Sheriff's Association (CCDSA)

**DISCUSSION ITEMS:**

**COMMISSIONER HEIMULLER COMMENTS:**

**COMMISSIONER MAGRUDER COMMENTS:**

**COMMISSIONER TARDIF COMMENTS:**

*Pursuant to ORS 192.640(1), the Board of County Commissioners reserves the right to consider and discuss, in either open session or Executive Session, additional subjects which may arise after the agenda is published.*

**COLUMBIA COUNTY**  
Land Development Services



ST. HELENS, OR 97051

230 Strand St.  
Direct (503) 397-1501  
www.co.columbia.or.us

TO: Board of County Commissioners  
FROM: Karen L. Schminke, AICP, Land Development Services Director  
DATE: October 17, 2019  
RE: Request for Authorization to Fill the Permit Technician Position

Due to an imminent retirement, the Office Manager I position in the Land Development Services Department was slated to become vacant on November 1, 2019. Back on September 18<sup>th</sup>, the Board granted authority to fill this upcoming vacancy. The fabulous news is, we have successfully filled that upcoming vacancy with an internal applicant from within the Land Development Services Department. The challenge is, effective November 1, 2019 when Teresa Golson steps into the office manager position, we will have a new vacancy for a Permit Technician.

To ensure continuity of service to our customers I am requesting authorization from the Board to fill the soon to be vacant Permit Technician position. The permit technicians are the Land Development Service Department's first point of contact for citizens seeking assistance with their development projects.

This is not a new position, rather it is already accounted for in the County's current budget so new or additional allocation of funds is not required. For your use, a copy of the job description for this position is attached.

Thank you for your continued support as we provide service to the residents of Columbia County. Feel free to contact me with any questions you may have.

**APPROVED BY THE  
BOARD OF COMMISSIONERS**

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EXEMPT (Y/N):	No	JOB CODE:	CSC
DEPARTMENT:	Land Development Services	CLASSIFICATION:	048
SUPERVISOR:	LDS Director	SALARY RANGE:	23
UNION (Y/N):	Yes	LOCAL:	AFSCME Local 1442

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**GENERAL STATEMENT OF DUTIES:** Perform clerical and administrative duties in support of the department, including accepting and processing permit applications, issuing permits, answering telephone and greeting public, providing requested information, typing, scheduling appointments, issuing receipts and maintaining records. Do related work as required.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned.

Assist the public in completing applications for building permit and land use applications. Ensure the necessary supporting documents are received so that the proper fee can be assessed and a decision can be rendered by the appropriate division.

Process permit applications and monitor the review process. Issue permits once reviewed and approved. Notify applicants regarding action taken on their application.

Schedule building, plumbing, septic and electrical inspections upon request. Coordinate inspection schedules with inspection personnel.

Enter permit and inspection information into database.

Answer telephones, greets visitors and direct inquiries to appropriate department staff.

Respond to inquiries from the general public, other departments and agencies. Explain policies and procedures.

Type and edit correspondence, memos, reports for department. Record and transcribe and distribute meeting minutes and agendas for assigned advisory committees.

Perform cash handling duties in accordance with the County Cash Handling Standards. Receive and record monies and receipts for department.

Maintain files and records relating to department activities.

Process a variety of forms, including permits, applications, rules and claims.

Process State surcharge reports and claims for billing.

Prepare, post and advertise notices of public meetings.



Prepare outgoing mail, deliver mail, claims and receipts. Process incoming mail or other documents to return to department.

Assist Director of department with special projects.

Attend meetings and training seminars as requested or directed.

Follow all safety rules and procedures established for work areas. Comply with all County policies and procedures.

**SUPERVISORY RESPONSIBILITIES:** Supervision is not a normal responsibility of this position.

**SUPERVISION RECEIVED:** Work under the general supervision of the Department Director who assigns and reviews work for conformance with established policies and procedures.

**QUALIFICATION REQUIREMENTS:** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**EDUCATION and/or EXPERIENCE:** High school graduate or equivalent and two years work experience which must include prior work experience or education in the land development related field. Any satisfactory combination of experience and training which demonstrates the ability to perform the above duties may be acceptable.

**DESIRABLE QUALIFICATIONS:** Certification by the State of Oregon or the International Code Council as a Permit Technician, Code Specialist or similar.

**KNOWLEDGE, SKILL AND ABILITY:**

Knowledge of office practices and procedures. Skill in keyboarding and use of word processing software, spreadsheet software, electronic databases, filing systems and permit tracking systems.

Ability to develop knowledge of laws and procedures relating to land use, building, on-site sewage issues and inspections. Ability to maintain effective working relationships with fellow employees, supervisors, other agencies, County officials and the general public.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Minimal, involving the movement of boxes, files, equipment, etc., seldom exceeding 20 pounds.

COLUMBIA COUNTY, OREGON  
JOB DESCRIPTION: **PERMIT TECHNICIAN**  
DATE: 09/12/2019

Page 3

**WORK ENVIRONMENT:** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

General office environment.

After recording, return to:

City of Scappoose  
33568 E Columbia Ave  
Scappoose, Oregon 97056

Send tax statements to:  
Kenneth E. Bernet  
34066 SE Bernet Dr.  
Scappoose, OR 97056

## QUITCLAIM DEED

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**Grantors: City of Scappoose, an Oregon Municipal Corporation, Columbia County, an Oregon County, and Port of Columbia County, and Oregon Municipal Corporation**

**Grantee: Kenneth E. Bernet, an Individual**

**The City of Scappoose, an Oregon Municipal Corporation, Columbia County, an Oregon County, and Port of Columbia County, and Oregon Municipal Corporation** hereinafter Grantors, releases and quitclaims to: **Kenneth Bernet, an Individual**, Grantee, all right, title and interest in and to the following described real property situated in the County of Columbia, State of Oregon, to wit:

That parcel of land described in Exhibit A attached hereto and incorporated herein by reference

The true consideration for this conveyance is non-monetary value, the receipt and sufficiency of which is hereby acknowledged.

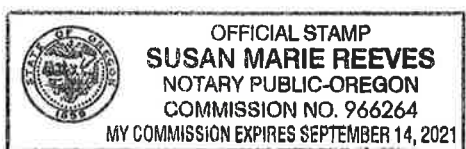
**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY**

THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Michael J. Sykes 8/5/19  
GRANTOR City of Scappoose DATE

STATE OF OREGON )  
 ) ss:  
COUNTY OF COLUMBIA )

On the 5<sup>th</sup> day of August, 2019, personally appeared the above-named Michael J. Sykes, who being duly sworn, did say that he/she is the City Manager for the City of Scappoose, an Oregon Municipal Corporation, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:



Susan Marie Reeves  
Notary Public for Oregon Columbia County  
My Commission Expires: Sept 14, 2021

[Grantor signature block on following page]

\_\_\_\_\_  
GRANTOR Columbia County

\_\_\_\_\_  
DATE

STATE OF OREGON )

)

ss:

COUNTY OF COLUMBIA )

)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared the above-named \_\_\_\_\_, who being duly sworn, did say that he/she is the \_\_\_\_\_ for Columbia County, an Oregon County, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

\_\_\_\_\_  
Notary Public for Oregon \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
GRANTOR Port of Columbia County

\_\_\_\_\_  
DATE

STATE OF OREGON )

)

ss:

COUNTY OF COLUMBIA )

)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared the above-named \_\_\_\_\_, who being duly sworn, did say that he/she is the \_\_\_\_\_ for the Port of Columbia County, an Oregon Municipal Corporation, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

\_\_\_\_\_  
Notary Public for Oregon \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

[Grantee Signature on the following Page]

\_\_\_\_\_  
GRANTEE

\_\_\_\_\_  
DATE

STATE OF OREGON

)

)

ss:

COUNTY OF \_\_\_\_\_

)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared the above-named \_\_\_\_\_, who being duly sworn, did say that he/she is the \_\_\_\_\_ for \_\_\_\_\_, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

\_\_\_\_\_  
Notary Public for Oregon \_\_\_\_\_

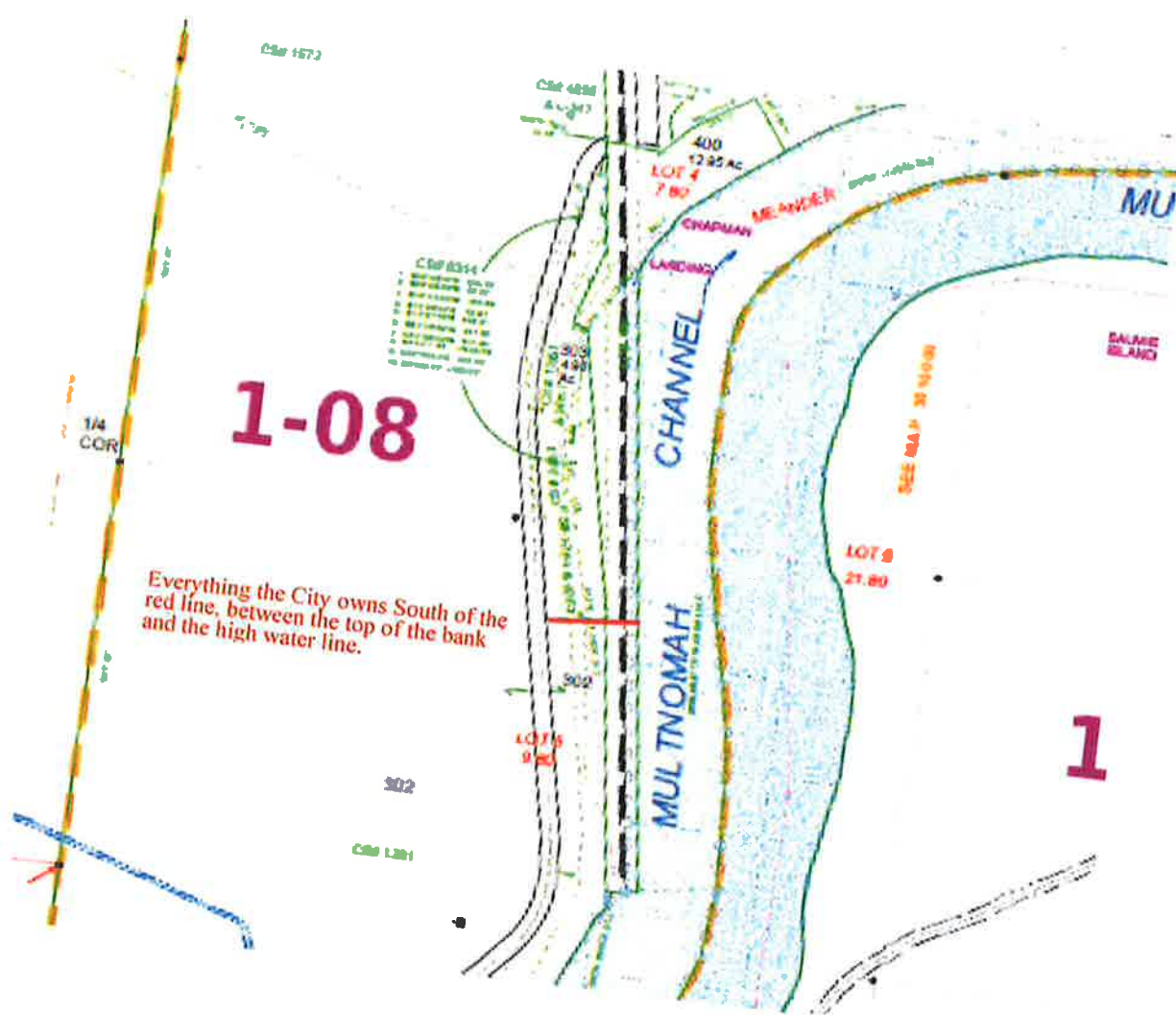
My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**  
Legal Description

A tract of land in Section 17, Township 3 North, Range 1 West W.M., lying between the top of bank and ordinary high waterline of the Willamette Slough (Multnomah Channel), as described in **PARCEL 1** of the deed to the City of Scappoose, recorded April 19, 2019, per Instrument No. 2019-02719, deed records of Columbia County, Oregon, lying south of the following described line:

Beginning at the Southwest corner of that tract of land deeded to the City of Scappoose, recorded January 18, 2018, per Instrument No. 2018-0452, Columbia County deed records, as depicted in County Survey No. 6314, said point being marked with a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING INC"; thence N 81°18'36" E along the South line of said tract and its Easterly extension thereof 220 feet, more or less, to the ordinary high waterline.





**1-08**

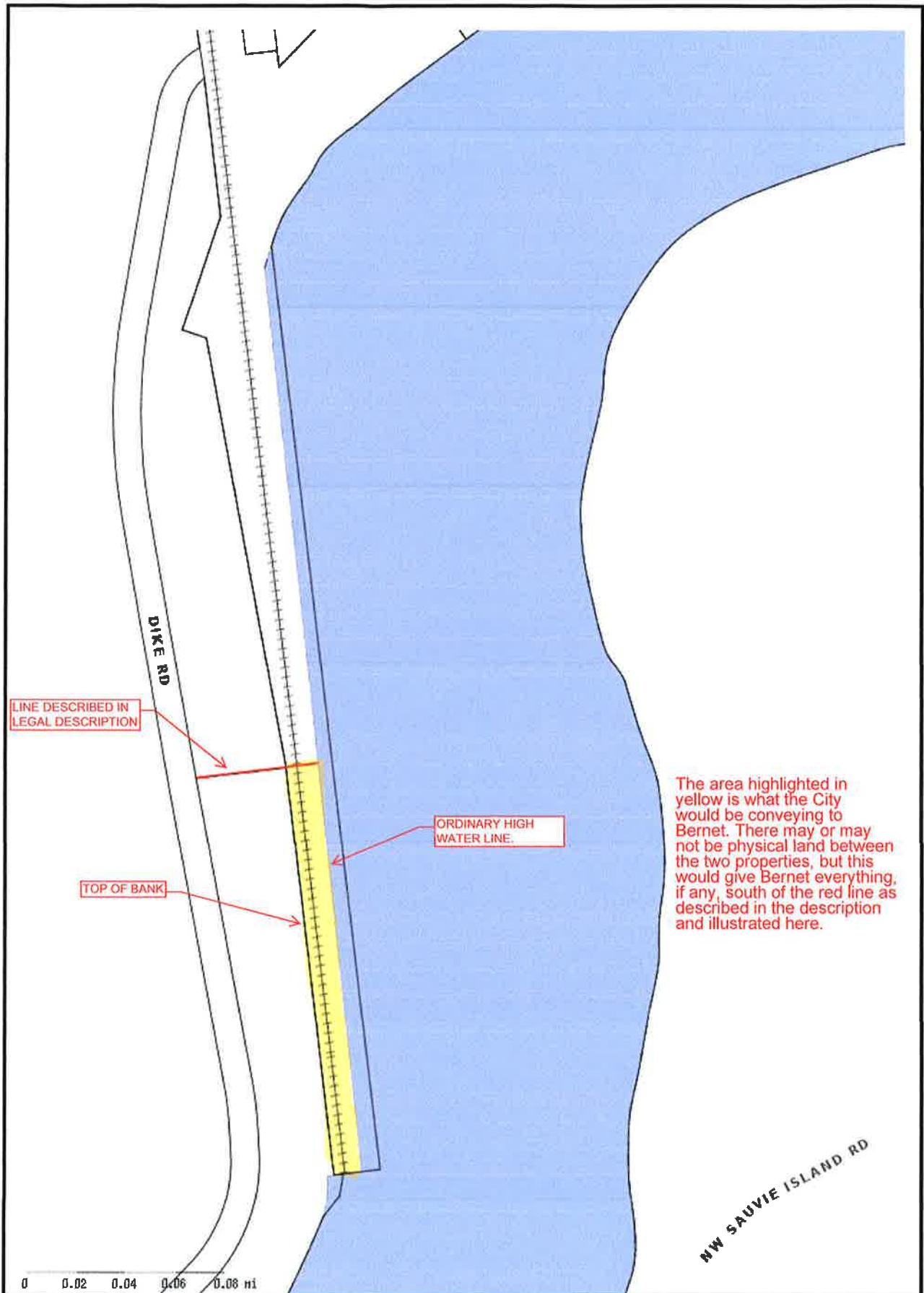
Everything the City owns South of the red line, between the top of the bank and the high water line.

**1**

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# Map



The area highlighted in yellow is what the City would be conveying to Bernet. There may or may not be physical land between the two properties, but this would give Bernet everything, if any, south of the red line as described in the description and illustrated here.



**MEMORANDUM OF AGREEMENT (MOA)  
by and between Columbia County (County)  
and the Columbia County Deputy Sheriffs' Association (CCDSA)**

This Agreement is made and entered into by the County and the CCDSA.

1. The parties agree to amend Article 10 Wages, Sections 10.1, 10.4, 10.5 and 10.10, of the July 1, 2017 through June 30, 2022, Collective Bargaining Agreement (CBA).
2. The parties agree that the amendments set forth in this MOA shall be implemented immediately after execution of this MOA by both parties.
3. The parties agree that Sections 10.1, 10.4, 10.5 and 10.10 of the CBA are amended to read as follows:

**ARTICLE 10 - WAGES**

**“10.1 Wages and Classification Schedule**

Effective July 1, 2017, wages will be adjusted for all bargaining unit positions by 2.1% as listed in Appendix A.

Effective July 1, 2018 wages will be adjusted for all bargaining unit positions as listed in Appendix A between one percent (1%) and four percent (4%), which shall be based on CPI-U Portland-Salem annual average for the prior calendar year.

Effective July 1 for each successive year of this Agreement, wages will be adjusted for all bargaining unit positions as listed in Appendix A between one percent (1%) and four percent (4%), which shall be based on the All Cities Average CPI-U for the prior calendar year.”

**“10.4 Call-Back Time**

A call-back is defined as a County-initiated and unanticipated return to duty of an employee, after release from a regular shift, but before the start of the employee's next shift. Included shall be responses to court subpoenas. Excluded shall be scheduled staff meetings, training sessions and the like. The latter shall be paid under the provisions in Section 10.5, including required travel time. Call-backs for the Corrections Emergency Response Team (CERT) shall be subject to the provisions of section 10.10F.

Any employee called back to work as defined above shall be credited with overtime for each hour or part of an hour worked outside the employee's regular shift at the rate of time and one-half (1 ½) for all hours worked. However, the employee shall be paid for a minimum of three (3) hours for on-duty days at the rate of time and one-half (1 ½) in addition to any other compensation the employee may be entitled to under this Agreement including full payment for all hours worked during the employee's regular shift.

When the call-back occurs before an employee's normal schedule and the call-back laps over into the employee's regular shift, the employee will be paid time and one-half (1 ½) for all time prior to their normal starting time and 1/2 time in addition to their normal pay for the remainder of the callback period.

Any employee called back to work on an off duty day shall be paid for a minimum of four (4) hours at the rate of time and one-half (1 ½).

Any employee receiving bilingual premium pay who is called back to work in response to a request for a bilingual employee shall receive premium pay as set forth in 10.9 in lieu of call-back time.

Phone calls of seven (7) minutes or longer, from the County, the Sheriff's Office and/or C-Comm to an off-duty employee shall be compensated at one-half (½) hour of overtime at the employee's regular overtime rate of pay per phone call. It is the intent of the parties to comply with the FLSA and phone calls of less than seven (7) minutes are de minimis."

#### **“10.5 Overtime**

Time and one-half (1 ½) of the employee's regular hourly rate of pay shall be paid for work under any of the following conditions:

- a. All work performed in excess of the employee's regularly scheduled workday of either eight (8) hours, nine (9) hours, or ten (10) hours, or twelve (12) hours (if such schedule is used).
- b. For employees who work a regularly scheduled work day of eight (8) or ten (10)-hour work shifts, all work performed in excess of the employee's regularly scheduled work week of forty (40) hours. For employees who work a regularly scheduled work day of nine (9)-hour work shifts, all worked performed in excess of the employee's regularly scheduled work week of either thirty-six (36) hours (during the seven (7)-day period encompassing the four (4) nine (9)-hour work shifts) or forty-five (45) hours (during the seven (7)-day period encompassing the five (5) nine (9)-hour work shifts).
- c. For employees who work a regularly scheduled work day of 12 hours on a 4-12 work schedule under Section 16.2B, all work performed in excess of forty-eight (48) hours in the employee's regularly scheduled eight (8) day work week.
- d. For employees who work a regularly scheduled work day of 12 hours on a four (4)/three (3) work schedule or schedule under Section 16.2B not mentioned in this section, all work performed in excess of eighty-six (86) hours in the employee's regularly scheduled fourteen (14) day work period.
- e. A part-time employee shall be paid overtime only for those hours worked in excess of eight (8) hours in a work day, or forty (40) hours in a work week.

Where reasonably practical, employees shall be notified no less than seventy-two (72) hours before they are to work overtime. Such notice may be canceled or changed.

At the employee's option, an employee may elect to receive compensatory time off, at the appropriate overtime rate for hours worked, in lieu of paid overtime, provided that the employee's accrued vacation leave balance is less than three hundred (300) hours.

No employee shall accumulate more than a maximum of eighty (80) hours accrued compensatory time.

If an employee is in excess of the maximum accrual of compensatory time, then the County shall immediately pay that employee for all compensatory time above the maximum accrual in order to bring the employee into compliance unless mutually agreed otherwise by the Sheriff or his designee and the employee. In no event shall any employee lose compensatory time. The County may pay off compensatory time leave balances at any time when it determines budgetary funds are available.

Compensatory time may be used with mutual agreement between the employee and supervisor on occasions when such use will not result in payment for shift coverage at the overtime rate and on other occasions only with the supervisor's prior approval. If an employee asserts that the employee has a legal right to use compensatory time when the County has denied use at a time requested by the employee, the County shall purchase the employee's comp time balance.

Employees who work overtime without prior approval from their supervisor may be subject to discipline.”

#### **“10.10 Selection and Pay for Special Assignments**

A. Employees assigned to duties of the following assignments shall receive the following pay premiums, calculated off base step pay, not to include longevity:

1. Detective - Five percent (5%)
2. Canine Handler - Five percent (5%)
3. Field Training Officer (FTO) - Three percent (3%)
4. LEADS Representative - Two percent (2%)
5. Training Coordinator - Two percent (2%)
6. Resident Deputy - Two percent (2%)
7. Officer in Charge – Three percent (3%)
8. Corrections Emergency Response Team (CERT) – Two and one-half percent (2.5%)

The Special Assignments listed above are assignments, and an employee may be so assigned and removed from these assignments at any time. These assignments are not permanent; employees do not have an expectation that premium pay will continue after the assignment has ended. The decision of assigning and removing an employee is the sole discretion of the Sheriff, and the Sheriff's decision is not subject to the grievance process or jurisdiction of any arbitrator.

B. The Sheriff's Office, at its sole discretion, will select and train employees from Corrections and Enforcement to serve as Field Training Officers (FTO). The Sheriff's Office, at its sole discretion, may designate an Officer in Charge for an entire shift or shifts. Bargaining unit members selected from each unit shall receive the premium when assigned and performing the duties of an FTO or OIC. Nothing in this section shall prevent the Sheriff's Office from selecting and training a Sergeant as an FTO or OIC.

C. All Special Assignments listed in Section 10.10(A) above, the Marine Safety Officer, and the Motor Carrier Officer shall be filled by a selection process at least once every thirty-six (36) months.

D. Canine Handler training activities shall be conducted on-duty. Canine Handlers accept and may resign from the position voluntarily. Voluntary acceptance of the position is based upon a willingness to care for the animal off-duty as a family pet. The Special Assignment premium listed in Section 10.10 (A)(2) above is intended to compensate the employee for all of the off-duty care of the animal as a family pet, pursuant to the employee's differential wage rate as allowed by the FLSA. The parties agree that commuting to work with the dog does not constitute “hours of work.” A Canine Handler will not devote more than (30) minutes per day to canine care without prior approval of the Sheriff.

E. The Sheriff's Office, at its sole discretion, may assign an employee to be a Resident Deputy. The Sheriff will determine the geographic area eligible for a Resident Deputy, and the assigned employee must reside within the geographic area designated by the Sheriff's Office.

F. The Sheriff's Office, at its sole discretion, will select and train employees to serve as members of the CERT. Nothing in this section shall prevent the Sheriff's Office from selecting and training a Sergeant(s) as

a CERT member. Employees assigned to the CERT must meet the testing and re-testing requirements as established under the sole discretion of the Sheriff's Office. Employees assigned to CERT may have their schedules flexed in order to accommodate and attend training. Employees shall be required to provide written validation of the reason that the employee was not available on any particular call-out of the CERT. If the CERT is called out but the call out is canceled within thirty (30) minutes, employees shall receive one hour of call back pay. Employees assigned to CERT may receive preference for overtime assignments related to a call out of the CERT team including but not limited to cell extractions, trials and transports which have formally been assessed as high risk, riots/mass disturbance, hostage situations, escapes and attempted escapes.

G. With the exception of the CERT assignment, employees concurrently assigned to multiple special assignments (e.g. Officer in Charge and Field Training Officer) shall only receive pay for one special assignment. Incentive pay for the CERT assignment will be added to any other assignment pay listed in this Section which is received by the employee."

4. Except as expressly amended herein the CBA, as amended, remains in full force and effect.

In witness whereof, County and CCDSA have executed this MOA on the \_\_\_\_ day of October, 2019.

FOR COLUMBIA COUNTY DEPUTY  
SHERIFFS' ASSOCIATION:

FOR THE COUNTY: BOARD OF COMMISSIONERS  
FOR COLUMBIA COUNTY OREGON:

By: \_\_\_\_\_  
Dave Peabody, President

By: \_\_\_\_\_  
Henry Heimuller, Chair

By: \_\_\_\_\_  
Margaret Magruder, Commissioner

By: \_\_\_\_\_  
Alex Tardif, Commissioner

Approved as to form:

By: \_\_\_\_\_  
County Counsel