



OFFICE OF LEGAL COUNSEL

Colton M. Tolland
County Counsel

Michelle Wellington
Legal Office Manager

November 15, 2023

Via E-mail: garrettking33@gmail.com

Garrett King
(Mailing address not provided)

RE: County response to written grievance lodged pursuant to HB 2805

Dear Garrett King,

This letter constitutes the County's written response to your Oct. 26 grievance filed under Section 5 of House Bill 2805, which alleges a public meetings law violation by the Coos County Board of Commissioners. First, the County acknowledges receipt of your grievance, which was sent by email on Oct. 26 to each of the County's commissioners. Second, the County denies that the facts alleged in your grievance are true and further asserts that no public meetings law violation occurred with the respect to the comment submitted to the Bureau of Ocean Energy Management (BOEM) titled "Comment from Coos County Commissioner Board Chair, State of Oregon BOEM representative," Comment ID 2023-00-33-0126.

First, the County denies that Commissioner Robert "Bob" Main submitted this public comment. The comment contains a draft resolution that Commissioner Main prepared opposing BOEM's efforts to promote wind energy projects off the southern Oregon coast. Email records show that Commissioner Main shared this draft with a handful of individuals on Sept. 26, prior to a Board meeting on Oct. 10 where the Board first considered the resolution. Commissioner Main also denies submitting the draft as a comment to BOEM. The help desk at regulations.gov confirmed that this public comment was submitted on Sept. 26, that it was submitted through a web form, and that the email address provided with the submission was listed as bmain@co.coos.or.us. Whoever submitted this comment was not aware that the county email for Commissioner Main — who does go by Bob — is actually rmain@co.coos.or.us, the "r" standing for Robert. Given the manner and timing of this submission, and the fact that Commissioner Main himself denies submitting it, the County takes the position that someone else submitted this draft resolution as a comment. As such, the County is actively working to remove the comment from the record.

Second, the County denies that this was a resolution “passed by the commissioners.” To reiterate, the comment contained a draft resolution opposing BOEM’s efforts on wind energy. This resolution had not been passed, or even discussed by the Board, until the draft resolution was considered at the Board’s regularly scheduled meeting on Tuesday, Oct. 10. This meeting was a properly noticed meeting of the Board, with an agenda for it posted on Thursday, Oct. 5. By that time, county staff had reformatted the draft resolution and titled it a proclamation. At the Oct. 10 meeting, the Board decided not to adopt the proclamation because the Board felt that more public input was needed. The Board scheduled a special meeting for Oct. 12 at the Sawdust Theatre in Coquille, Oregon, a meeting that also was noticed in advance. The Board took no formal action on the proclamation at that meeting. Out of that meeting, Commissioner Main opted to split the proclamation into two distinct proclamations and put them both on the agenda for the next regularly scheduled meeting of the Board on Tuesday, Oct. 24. Yet again, the proclamations were duly noticed in the agenda for the meeting on Thursday, Oct. 19. Only at this final meeting on Oct. 24 was the draft resolution “passed by the commissioners,” albeit not as a resolution but as two, subsequently revised proclamations.

Turning to the relief sought by your grievance — that the County rescind Commissioner Main’s purported submission to BOEM — the County will voluntarily comply with this aspect of your grievance because, as I have explained, the submission of the draft resolution was not made by Commissioner Main and is inherently misleading. The County will work with regulations.gov to have the comment removed from the record.

In doing so, however, the County denies that any public meetings law violation took place here. On the contrary, the facts surrounding this draft resolution and its ultimate adoption by the Board reveal an ongoing practice of public notice and recognition of the value of public input. The Board considered the draft at three separate public meetings before adopting it, including one special meeting for the sole purpose of garnering public input on the issue. These actions demonstrate a commitment to the provisions under ORS 192.610 to 192.690. For this reason, no “training around public meetings laws” is necessary, and none of the County’s practices need “modified to ensure future violations...do not occur.” *See* HB 2805, Section 5(2).

Should you decide to submit a complaint to the Oregon Government Ethics Commission, you are obligated to include this response in your submission. *See* HB 2805, Section 5(3). My hope, however, is that this letter resolves confusion around the public comment that was submitted, a comment that was in no way a decision made by the County or even its purported author.

Sincerely,

A handwritten signature in cursive script that reads "Colton Totland".

Colton M. Totland