BEFORE THE BAKER COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF:

	)	
ESTABISHING THE BAKER COUNTY	)	Ordinance No. 2026 – 09;
NATURAL RESOURCES ADVISORY	)	Repealing Ord. No. 2001-01
COMMITTEE; REPEALING PRIOR	)	
ORDINANCE	)	

WHEREAS, a substantial portion of Baker County (51.5%) consists of federal lands, and the management of those lands directly affects the county's economy, culture, public safety and the health and welfare of its residents; and

WHEREAS, preservation and promotion of the customs, culture, and economic stability of the citizens, and the protection and use of natural resources, are inseparably tied to their ability to influence any regulation of their rights to access, use, and enjoy the unique lands and natural resources within the County's boundaries; and

WHEREAS, the Baker County Board of Commissioners (Board) desires organized, broadly representative public input on natural resource issues, including forestry, range, water, wildlife, wildfire, recreation, mining, grazing and cultural resources; and

WHEREAS, the Board wishes to coordinate with federal agencies and to participate in planning and environmental review processes affecting lands and resources within the county; and

WHEREAS, past ordinances intended to provide a process for input to federal agencies on issues of natural resource management in Baker County do not give sufficient guidance or structure to allow for coordinated input on these matters.

NOW, THEREFORE, THE BAKER COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Repeal of past ordinances.
Baker County Ordinance No. 2001-01, and all prior ordinances intended to provide a process for input to federal agencies on issues of natural resources management, are hereby repealed and replaced by Sections 2 through 14 of this Ordinance No. 2026- _____.

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Section 2. Title.

This ordinance shall be known as the "Baker County Natural Resources Advisory Committee (NRAC) Ordinance," or simply "the NRAC Ordinance."

Section 3. Purpose.

The purpose of this ordinance is to establish a Natural Resources Advisory Committee to advise the Board of Commissioners on natural resources issues affecting the County, and to provide a structured forum for public participation in the development of County policy and comment on natural resources matters.

Section 4. Definitions.

For the purposes of this ordinance, the following definitions apply:

1. "Agency" means a federal, state or tribal agency, or another governmental body, whose actions affect natural resources within the County.
2. "Board" means the Board of County Commissioners of Baker County.
3. "NRAC" means the Baker County Natural Resources Advisory Committee.
4. "Liaison" means the member of the Board, or County staff member, designated under Section 11.
5. "Natural resources" means land, soil, water, forests, rangelands, fish and wildlife and their habitat, minerals, energy resources, air quality, scenic and recreational resources and cultural resources together with the uses and economic activities that depend on them.

Section 3. Establishment.

The Baker County Natural Resources Advisory Committee (NRAC) is established as a standing advisory committee of the Board of Commissioners.

Section 4. Membership.

1. Size. The NRAC shall consist of no less than five (5) and no more than seven (7) voting members.
2. Qualifications. Each member shall be a resident of the County at the time of appointment and throughout the term of service.
3. Representation. The Board shall seek to appoint members who together reflect the range of natural resource interests in the County. Appointments should include, to the extent practicable, a representative from the following:
    a. Agriculture and livestock producers;
    b. Timber and wood products;
    c. Recreation and tourism;
    d. Mining, energy or other resource-based businesses;

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e. Cultural or historical interests.

4. Non-voting members. The Board may invite representatives of federal, state, tribal and local agencies, soil and water conservation district representatives, County Planning or other representatives to sit as ex officio members, to provide expertise and insight.
5. Diversity of viewpoints. No single interest category shall hold a majority of the voting seats.

Section 5. Appointment, Terms and Vacancies.

1. Application and appointment. Members shall be appointed by the Board and shall serve at the pleasure of the Board. Applications shall be made publicly available, and vacancies filled through established County policies.
2. Terms. Members serve two-year terms. For the initial NRAC, the Board shall designate terms so that approximately one half of the terms expire each year. Members may be reappointed for up to three consecutive terms (totaling up to 6 consecutive years).
3. Vacancies. A vacancy shall be filled by the Board for the reminder of the unexpired term, through application and appointment through established County policies.
4. Removal. The Board may remove a member for cause including failure to attend three (3) consecutive meetings or 25% of meetings in a calendar year without excuse, failure to maintain County residency or violation of this ordinance, the bylaws, or applicable public meeting or ethics laws.

Section 6. Organization, Officers and Bylaws.

1. The NRAC shall elect a chair and vice chair from among its voting members annually.
2. The NRAC shall adopt bylaws consistent with this ordinance. Bylaws and any amendments take effect only upon approval of the Board.
3. A majority of voting members constitute a quorum. Action requires the affirmative vote of a majority of the members present at meeting at which a quorum is present.
4. The NRAC may form subcommittees or technical work groups. Subcommittees may include non-members with relevant expertise, but only NRAC members may vote on matters before the NRAC.

Section 7. Advisory role and NRAC authority.

1. **Advisory only**. The NRAC is solely advisory. It exists to study, discuss and make recommendations to the Board. The NRAC has no authority to bind the

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County, adopt County policy, enact or enforce regulations, enter into contracts, spend County funds or direct County staff.

2. **Form of advice**. The NRAC shall transmit its advice to the Board in writing, signed by the chair of the committee, stating the question addressed, the recommendation, the basis for it and any minority views that a member asks to have included. Where it is possible, the NRAC shall identify the relevant comment deadline for any agency action.
3. **Board action.** The Board shall consider the NRAC's recommendations but is not bound by them. The Board retains sole authority to decide whether and how to act, including whether to submit comments to an agency and in whose name.
4. **No authority to speak for the County.** No member, nor the NRAC as a whole, may submit comments, testimony, or positions to any agency, legislative body, or the public as the position of the County unless the Board has authorized it in advance. A member may express personal views if the member clearly states that the views are the member's own and not those of the County or the NRAC.
5. **Relationship to other County bodies.** This Ordinance does not alter the authority, duties or procedures of the County Planning Commission, the Board, or any other County body under state or local land use law. The NRAC's recommendations do not substitute for, or constitute, any land use decision or required public process. The NRAC shall coordinate with the Planning Department where its work bears on the County comprehensive plan or land use regulations.
6. **Consistency with law.** The NRAC's work shall be carried out consistently with federal and state law.

Section 8. Duties of the NRAC.

Within its advisory role, the NRAC may, at the request of the Board or on its own initiative:

a. Advise the Board on the needs, priorities and conditions of the county's natural resources and natural resource-dependent communities within the County;
b. Review and recommend comments on proposed federal and state plans, projects and environmental analyses affecting the county, including environmental review documents prepared under the National Environmental Policy Act (NEPA) and the Oregon equivalents;
c. Recommend positions for the Board to take on proposed legislation, rulemaking, and agency actions affecting natural resources;

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d. Gather and summarize information from residents, resource users, scientists and agencies on the local social, economic, and environmental effects of resource decisions;
e. Assist in developing and updating county natural resource plan(s), if the Board so directs;
f. Provide a public forum for discussion of natural resource matters, and carry out other tasks the Board assigns in writing

Section 9. Meetings, Public Notice and Records.

1. The NRAC shall meet at least quarterly, at a time and place set in its bylaws.
2. The NRAC is a governing body subject to the Oregon Public meetings Law, ORS 192.610 to 192.705. Meetings shall be noticed and open to the public.
3. Minutes and other NRAC records are public records subject to the Oregon Public Records Law, ORS 192.311 to 192.478, and shall be maintained by the County in accordance with applicable retention schedules.
4. NRAC members shall conduct NRAC business in compliance with the laws and requirements described in this section, including when communicating among themselves by email or other electronic means.

Section 10. Ethics and Conflicts of Interest.

1. Members are subject to the Oregon Government Ethics Law, ORS Chapter 244, and shall disclose any actual or potential conflict of interest and abstain or follow the procedures required by that chapter.
2. A member who has a direct financial interest in a specific matter before the NRAC shall disclose the interest on the record before discussion and shall not vote on that matter.
3. Membership on the NRAC does not by itself create a conflict of interest based on the member's occupation or resource use.

Section 11. Staff Support and Liaison.

1. The Board shall designate the Coordinator of County Natural Resources or other County staff as Liaison to the NRAC. The Liaison shall receive agendas and minutes, attend meetings as the Board directs, and communicate the NRAC's recommendations to the Board.
2. The County shall provide administrative support to the NRAC, including meeting space, notices and recording of minutes.

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3. County Counsel may provide legal advice to the NRAC only with Board approval. The NRAC shall not retain outside counsel or consultants at County expense without prior written Board approval.

Section 12. Compensation and Expenses.

Members serve without compensation. The NRAC has no authority to incur expenses on behalf of the County.

Section 13. Severability.

Nothing in this Ordinance shall be construed to limit any remedy that any person may have under the laws of the State of Oregon or of the United States.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this Ordinance.

Section 14. Emergency Clause.

This Ordinance being necessary for the health, safety, and well-being of the citizens of Baker County, it shall take effect immediately upon passage.

Done and dated on this ____ of December 2026.

_____
Shane M. Alderson, Commission Chair

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Christina Witham, Commissioner

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Michelle Kaseberg, Commissioner

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