



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

March 24, 2004

Wallowa County Board of Commissioners  
Wallowa County Courthouse  
101 South River Street  
Enterprise, Oregon 97828

**RE: Reconsideration of Marr Property Decision**

Dear Commissioners:

Recently, you took action to remove Jennifer Ballard from her position as a member of the Wallowa County Planning Commission for making inappropriate statements during a public meeting. Particularly, Ms. Ballard stated that "the gays in San Francisco and the Indians in Wallowa County were pushing their weight around to further their own agendas" and that "[p]eople who've been tolerant of them are growing impatient and are not going to put up with it."

First of all, the Nez Perce Tribe appreciates the leadership shown by the Commissioners and the strong statement made that Wallowa County does not tolerate racism and intolerance, especially on the part of its public officials. Your action demonstrates the strong and continuing commitment of the Tribe and the County to work together to resolve issues of mutual concern.

Second, in light of the inflammatory and blatantly racist statements of Ms. Ballard, the Nez Perce Tribe formally requests that the Board of Commissioners reconsider and remand the subdivision plat decision for the Marr Property to the Planning Commission for a new hearing. No one, including the Tribe, the public, or the Board of Commissioners, was aware of the nature and extent of Ms. Ballard's bias against the Tribe prior to the February 24, 2004 Planning Commission meeting. Given this new information, we feel it is appropriate to revisit the entire decision with a Planning Commission that is free of bias.

While we realize that the Board of Commissioners did review and make some alterations to the Planning Commission's decision, this does not negate the fact that the underlying decision, to which your changes were made, was made, in part, by a racially-biased public official. As recognized by Commissioner Hayward in the Wallowa County Chieftain, County decisions passed by the Planning Commission may be appealed on the grounds of a bias created by the actions of Ballard. We firmly believe that a remand by the Board of Commissioner would

eliminate a lengthy LUBA proceeding resulting ultimately in a LUBA-ordered remand. Accordingly, the Tribe requests that the Board of Commissioners take appropriate action to remand the Marr Property decision to the Planning Commission for a full and fair reconsideration of the issue free of Ms. Ballard's intolerant and inappropriate bias.

Thank you for your prompt consideration of this request.

Sincerely,

*Anthony D. Johnson*  
Anthony D. Johnson  
Chairman

cc: D. Rahn Hostetter, Atty for Applicant  
City of Joseph  
Confederated Tribes of Umatilla Indian Reservation  
Confederated Tribes of the Colville