

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Board of Commissioners' Meeting of February 20, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

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COMMISSIONERS PRESENT: Larry Givens, Chair; Bill Elfering, Vice Chair; Dennis D. Doherty, Commissioner

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Connie Caplinger, Umatilla County Executive Assistant; Brian Wolcott, Walla Walla Watershed Council; Jack Esp, Candidate for Umatilla County Commissioner; Bob Heffner, Umatilla County Budget Officer; Phil Wright, East Oregonian Senior Reporter; Tom Fellows, Umatilla County Public Works Director; Greg Silbernagel, Umatilla Basin Watershed Council; Hulette Johnson, Umatilla County Community and Economic Development Director; Tom Demianew, Umatilla Basin Watershed Council

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CALL TO ORDER

The meeting was called to order at 9:03 a.m. Chair Givens reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Approval of Minutes: The minutes of the Iberdrola SIP Public Hearing of January 4, 2013 and Senior Managers' meeting of January 9, 2013 were presented for approval. Commissioner Elfering moved to approve the minutes of January 4, 2013 and January 9, 2013 as written. Commissioner Doherty seconded. The motion carried 3-0.

Additions to the agenda:

Enterprise zone MOU

Public Input: None.

Consent Agenda:

1. Request approval to waive hiring freeze, recruit and hire Office Assistant III
2. Waive the hiring freeze and authorize to recruit and hire an Environmental Health Specialist II – 1/3 time position
3. Approval of yearly purchase of filters for the justice center
4. Waive the hiring freeze, authorize recruitment and hire of Administrative Secretary

There was a brief discussion of the cost analysis on the Administrative Secretary position. Connie Caplinger pointed out that a burden would be created on the program if the position were left open. Commissioner Doherty decided that he could support the request. Commissioner Elfering concurred. **Commissioner Doherty moved approval of the consent agenda as presented. Commissioner Elfering seconded and the motion carried 3-0.**

Agenda Items:

1. **Watershed Councils annual presentation:** Brian Wolcott opened the presentation and introduced the Umatilla County Soil and Water Conservation District, also presenting with them.

Brian Wolcott began the Powerpoint presentation. He noted that their projects included participation from Milton-Freewater, the Walla Walla tribal organization and the Confederated Tribes of the Umatilla Indian Reservation. One of their major projects in the past year was they Hyline piping project for Hudson Bay Irrigation District. Brian Wolcott gave a brief update on the Endangered Species Act (ESA) issues.

Two irrigation districts were threatened with fines relative to water overuse. With those districts, the watershed council developed a plan to reuse water and manage it. That resulted in replacement of one-third of the summer useage. The most recent progress letter from the agency stated that it expected that more could be done, but based on the progress since the threat, no action was planned. That process created an inequity between the Oregon and Washington users along the Walla Walla River resulting in fish rescue actions.

Commissioner Givens disclosed that he was a member of the Hudson Bay Irrigation District and would benefit by some of the projects. The Oregon Water Resources Department had not had much success in negotiating appropriate sharing of the water with the Washington users. The current arrangement was affecting the Oregon irrigators negatively.

Commissioner Doherty reported that on the Umatilla Basin, the process was a three part undertaking and similar to what the Walla Walla Basin was facing. He noted that 25% was only about halfway to the goal on savings and asked if the Tribes were cooperating. Brian Wolcott stated that the Tribes proposed to draw Columbia River water, but that was not practical due to difference in elevation from the river basin to the storage. The power costs to pump the flow were restrictive.

He commented that a local effort, led by irrigators and IRZ with a similar exchange project using the Columbia River water was contemplated, but they also still had the power cost and elevation rise issue. Also, although the recharge model could improve flows in the river, there was no guarantee that the Washington irrigators would leave the water in the river for fish habitat.

Commissioner Doherty asked if anyone had any conversation with Washington to mitigate the effect. Brian Wolcott responded that there were several proposals and attempts to contact them, but no response was received as of yet.

Commissioner Givens led a brief discussion on the interconnectivity of the Hudson Bay, Walla Walla and Gardena Irrigation District projects.

Commissioner Doherty reported on the progress of the CRUST declaration which proposed one of the storage options as Wallowa Lake. He commented that he had taken the opportunity to put together a memorandum detailing the protection issue and planned to provide it to the CRUST group.

If there was anything upcoming in next legislative session that the watershed councils would like the Board to pay particular attention to, he would ask that the councils not hesitate to contact the board. Brian Wolcott replied that as of the moment, there were no specific bill numbers related to ensuring the water balance, but he would rather the watershed councils' earmarked funds got directly to the councils and districts rather than remaining in Salem.

Those funds could be used toward such projects as the grade structure repair that affected a county road and bridge as well as the fish ladder. It appeared that it would cost about \$2.1 million to mitigate and avoid trucking fish around.

He also pointed out that FEMA needed to recognize that the levee had been repaired and acknowledge that so that the re-mapping could be completed to return the locality to normal insurance rates.

Commissioner Doherty asked how to present the federal responsibility relative to the levee. Brian Wolcott and Commissioner Givens reported that the fish ladder was part of a BPA project for maintenance of fish ladders and grade control structures.

Tom Demianew of the Umatilla Basin Watershed Council began their Powerpoint presentation with the septic system management project in the Hermiston area and noted that the council needed cooperation from Hermiston. The current management process was affecting shallow wells in the area in east Hermiston.

Commissioner Elfering asked if the remedies incorporated were relative to drain water and wastewater. Tom Demianew stated that the council would prefer those to be piped. They were currently ditched, making the amount of the waste water an unknown quantity.

Commissioner Doherty surveyed Buttercreek down to the river off the old roads because the highway aspect did not provide visuals of the water delivery systems. In the CRUST process, the focus was more than conservation and stewardship and it presented less the west side focus than a statewide focus.

Tom Demianew commented that the water process was not a blame game. The circumstances were part of the progress. However, the problem being was that there was already a problem on new properties. He noted that Hermiston had the beginning of infrastructure there to resolve the nitrate problems but the solution was not easy, nor cheap.

Greg Silbernagel provided a list of the board members for the council and referred to the Powerpoint to illustrate the council's concentration on Birch Creek and the flooding potential to the Pilot Rock area.

He announced the next board meeting would be held at 6 p.m on February 25th at the Stafford Hansell Government Center and would feature a presentation from the state's Department of Geology and Mineral Industries on its lidar program. The watershed councils expected that the benefits of lidar usage would

allow for accurate measurements on ditching size and water load capacity. They were expecting considerable cooperation from other agencies.

There would also be a meeting on the Dillon Dam feasibility at 10 a.m. on February 21st at the Blue Mountain Community College campus in Hermiston. The council's youth involvement included participation in riparian planting.

2. **Award purchase of used chip spreader/Authorization to purchase used wheel loaders:** Tom Fellows reported that the chip spreader, a planned purchase, was posted for RFP. The one proposal received quoted a cost of \$105,000, plus a freight charge of \$1,775. He would recommend that the board approve the purchase in a total amount of \$106,775.

The original wheel loader request had an error on the documentation. The total purchase would include two small front end loaders and a flat bed truck from state surplus to replace older equipment. The change should reflect a total of \$56,500 for all three pieces. The purchases were within budget and part of the planned purchases for the year, also.

Commissioner Elfering moved that the board authorize Public Works to proceed with the purchase of the wheel loaders and truck with a total cost of \$56,500. Commissioner Doherty seconded. The motion carried 3-0. Commissioner Doherty moved that the board accept the proposal from Geffs Manufacturing for the purchase of the used chip spreader at \$106,775. Commissioner Elfering seconded and the motion carried 3-0.

3. **Approve chemical bid recommendation:** Tom Fellows reported that the weed program posted an RFP for the annual herbicide purchase. The low bidder was Wilbur-Ellis. **Commissioner Elfering moved that the Public Works department proceed with the purchase of herbicide from Wilbur-Ellis in the amount of \$84,037.01. Commissioner Doherty seconded. The motion carried 3-0.**

4. **Weed Board appointments:** Doug Olsen stated that it was recommended that the board reappoint 3 members of the weed board who were all eligible and willing to serve another term. In answer to a question about term limits, Doug stated that the weed board had no specified term limits. **Commissioner Elfering, in the matter of appointment of McKenzie M. Hansell, Richard C. Kopp and Nancy J. Porter to Umatilla County Weed Board, moved approval of Order Number BCC2013-029. Commissioner Doherty seconded and the motion carried 3-0.**

5. **Supplemental Budgets (3) Public Hearing:** Commissioner Givens opened the public hearing at 10:38 a.m. Bob Heffner provided the staff report as recorded below. The floor was opened for public comment at 10:42 a.m. Jack Esp asked for the source of funds on the drug court supplemental budget. Bob Heffner answered that those funds came from grant funding. Connie Caplinger added that the drug court funds were state money. Receiving no further comment, Commissioner Givens closed the floor at 10:42 a.m.

a. **District Attorney, Budget Order 2013-34:** Bob Heffner explained that the supplemental budget for this program was necessary relative to the collective bargaining agreement. Changes to the compensation structure for the deputy district attorneys required an increase in the District Attorney's personnel services to be taken from the support enforcement program. **Commissioner Elfering, in**

the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2013, moved approval of Budget Order 2013-34. Commissioner Doherty seconded. The motion carried 3-0.

b. **Fleet Management Fund, Budget Order 2013-35**: Bob Heffner reported that the recent approval for the sheriff's vehicles required an increase in capital outlay from the sheriff's budget and the wind farm distribution. **Commissioner Doherty, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.473 for the fiscal year ending June 30, 2013, moved adoption of Budget Order 2013-35. Commissioner Elfering seconded and the motion carried 3-0.**

c. **Community Corrections, Budget Order 2013-36**: Bob Heffner reported that the drug court grant program received two adjustments since the preparation of the budget. The supplemental budget was, therefore, necessary to accommodate those adjustments within the program's budget. **Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2013, moved approval of Budget Order 2013-36. Commissioner Doherty seconded. The motion carried 3-0.**

6. **Budget transfer**: Bob Heffner provided the staff report as provided below.

a. **Wind Farm Distribution, Budget Order 2013-37**: Bob Heffner reported that the program required an increase in transfers out to the Fleet Management and District Attorney's funds. **Commissioner Doherty, in the matter of a resolution making a transfer of appropriations pursuant to ORS 294.463 for the fiscal year ending June 30, 2013, moved approval of Budget Order 2013-37. Commissioner Elfering seconded and the motion carried 3-0.**

7. **Board appointments**:

a. **AWERE**: Doug Olsen reported that the prepared order would replace the county commissioner representative and the NextEra representative as Paul Landers was no longer in the local area. The two proposed appointees were Commissioner Givens and Michael Odman for NextEra/FPL. Both were three year terms. **Commissioner Doherty, in the matter of appointment of W. Lawrence Givens and Michael Odman to the Athena-Weston Education and Resource Enhancement Board, moved approval of Order Number BCC2013-012. Commissioner Elfering seconded. The motion carried 3-0.**

b. **Eurus**: Doug Olsen reported that one seat was open and Lewis Key was recommended for reappointment to the board. **Commissioner Elfering, in the matter of appointment of Lewis S. Key to the Eurus Community Benefit Plan Board, moved approval of Order Number 2013-026, Commissioner Doherty seconded. The motion carried 3-0.**

c. **Adams**: Doug Olsen reported that all the member's terms were expired. All but the county representative and the NextEra representative were to be re-appointed. The county representative would be Commissioner Givens and the local representative for NextEra, Michael Odman, would be appointed to that position. **Commissioner Doherty, in the matter of appointments to Board for**

City of Adams Community Benefit Plan, moved approval of Order Number BCC2013-027. Commissioner Elfering seconded. The motion carried 3-0.

8. **County CAPECO Board Representative:** Doug Olsen reported that the county representative was formerly Senator Hansell, during his tenure as a commissioner. The order proposed to appoint Commissioner Elfering with Hulette Johnson continuing as the alternate. **Commissioner Elfering, in the matter of appointment of William J. Elfering to the Community Action Program of East Central Oregon Board of Directors, moved approval of Order Number BCC2013-028. Commissioner Doherty seconded and the motion carried 3-0.**

9. **Change date of first meeting of March 2013:** Commissioner Elfering moved to cancel the Senior Manager meeting and schedule the first Board of Commissioners' meeting for the month of March on March 13, 2013 at 9:00 a.m. in Room 114 of the Pendleton Courthouse. Commissioner Doherty seconded. The motion carried 3-0.

10. **Enterprise zone MOU:** Doug Olsen reported that in December the board gave approval for VaData project. The MOU presented covered the future expansions for the same developer for the same type of abatement. This action would be for future expansions. The MOU was already approved by the City of Umatilla. Each expansion would require the addition of 1 employee. **Commissioner Doherty moved to approve the MOU and authorize the chair to sign. Commissioner Elfering seconded and the motion carried 3-0.**

New Business: None.

Commissioners' Reports:

Dennis D. Doherty: The commissioner reported that there was a successful conclusion of the CRUST process and a declaration signing was held before the declaration was to be taken to the legislature as recommendations. The governor personally signed on to the declaration and leadership was expected from the governor and Richard Whitman on the proposal. One option that was not brought forth in a timely manner, but thought worth doing was an arrangement proposed by the Klickitat PUD. It could still become a 10th project. The lease of Port of Umatilla water rights for farm use was a tributary discussion, but an unknown was the addressing of Water Watch's concerns. He heard a message from the morning's presenters that expressed a need to consider the conservation side of the process.

Larry Givens: Brian Wolcott's presentation related to the Walla Walla project showed how prohibitively expensive some proposals were, prompting a review of the Wallula pumping project up over 9 Mile with a reservoir with auxiliary pumping stations turning out also prohibitively expensive. John Wells was the contact on the levee project and it looked promising as to re-mapping for the flood plain with the changes to the grade control structure as the Corps planned out and were to install. The last information from the Corps was that the project was authorized but appropriations were not set. The commissioner reported he visited with Mike Brumbach on doing some crime prevention mitigation on the east side. There was a neighborhood watch formation meeting on last Monday and also some levy support in the area.

Bill Elfering: Commissioner Elfering reported that county college covered ethics, agritourism, public land revenue programs, state finance and investments and bonding. The group also participated in a capitol

tour and had the opportunity to sit in on legislative committee meetings. They were also provided a human services overview and had some discussion on the elimination of the CCF funding. There were 17 commissioners and judges: two each from Curry, Clackamas and Klamath; one each from Deschutes, Coos, Benton, Jackson, Grant, Wheeler, Gilliam, Wasco, Tillamook, Yamhill and Lincoln counties.

Dennis Doherty: Commissioner Doherty asked for an update on the vehicle replacement program group process and noted that the Hermiston Senior Center Long Range Planning Committee was taking a contract proposal from Jim Michael to the Senior Center Board. The group did not have the funds raised to pay the contract although the group's fundraiser was giving the go signal. The group was \$11,000 short, which meant that the project may not be able to stay on schedule.

Other Discussion:

Connie Caplinger: Announced that on February 22nd at 9 a.m., the Combined Care Organization local partners were meeting in Room 114.

Scheduling of Next Meeting: The next meeting will be held March 13, 2013.

ADJOURNMENT

The meeting was adjourned at 11:34 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners