

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Board of Commissioners' Meeting of March 13, 2013  
9:00 a.m., Room 114, County Courthouse  
Pendleton, Oregon

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**COMMISSIONERS PRESENT:** Larry Givens, Chairman; Bill Elfering, Vice Chairman;  
Dennis Doherty, Commissioner

**COUNTY COUNSEL:** Doug Olsen

**MEMBERS & GUESTS PRESENT:** Connie Caplinger, Umatilla County Executive Assistant; Jack Esp, Candidate for Umatilla County Commissioner; Tammy Sundin, Umatilla County Community Corrections Office Manager; Jerry Baker, Candidate for Umatilla County Commissioner; Terry Rowan, Umatilla County Sheriff; Jim Littlefield, Umatilla County Under-Sheriff; Bob Stoltz, Umatilla County Print Shop Manager; Phil Wright, East Oregonian Reporter; Kim Weissenfluh, Umatilla County Youth Services Program Manager; Paul Chalmers, Umatilla County Assessment and Taxation Director; Dan Lonai, Umatilla County Administrative Services Director; Bob Nooy, Umatilla County Public Works Vehicle Pool Manager; Bob Heffner, Umatilla County Budget Officer

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**CALL TO ORDER**

The meeting was called to order at 9:06 a.m. Chairman Givens reminded all present that the meeting is a public forum.

**BUSINESS ON AGENDA**

**Employee of the Month:**

**Approval of Minutes:** The minutes of Board of Commissioners' meeting of January 16, 2013; Administrative meetings of January 22, 2013 and January 30, 2013 were presented for approval. **Commissioner Elfering moved to approve the minutes of January 16, January 22 and January 30, 2013 as written. Commissioner Doherty seconded and the motion carried 3-0.**

**Additions to the agenda:**

Compensation review committee appointments

**Public Input:** None.

**Consent Agenda:**

1. Authorization to hire post-PERS retiree for a Court Security position – Robin Compton
2. Authorization of payable for monument supplies - \$2185

3. Authorization of payable to Perkins Coie - \$11,723.58
4. Waive the hiring freeze and authorize recruitment and hire of on-call jail staff
5. Authorization of leave without pay for Mark Eaves
6. Authorization of out of state travel for Veterans' employees Jeff Beers and Calista Winnett
7. Authorization to increase Richard Bunney's salary 5% and provide a one-time \$5000 payment for loan debt offset
8. Authorization of leave without pay for Gina Miller

**Commissioner Doherty moved that the Board approve the consent agenda as presented. Commissioner Elfering seconded. The motion carried 3-0.**

**Agenda Items:**

1. **Additional Grant Monies Awarded for Specified Items – Community Corrections:** Tammy Sundin reported that the items were to be purchased using special grant funds that are bid on by the counties. In the first round, Umatilla County received a small amount.

Then, some time later the program was notified there were more funds available. On the program's application for that round, it was awarded \$51,200 off that bid for the specified items.

The items purchased must fall under Measure-57 requirements. In this case, treatment staff would receive upgrades to their computers and several individuals would be able to attend out of state training in April and July. Commissioner Elfering stated that he was supportive. **Commissioner Doherty moved that the board approve the acceptance of the additional grant monies to the extent that the board approved the expenditure of the grant monies. Commissioner Elfering seconded. The motion carried 3-0.** Commissioner Doherty commented that proactivity like that in the community corrections grant receipt, put the county and its program in line for the grant funds.

2. **Agent of record (Admin Services request to issue RFQ for insurance agent of record):** Dan Lonai reported that he been approached by other insurance agents in the area wishing for a chance to act as county's agent of record. His research revealed that it had been some years since the county went out for bid and the county was currently using The Ferranti-Graybeal Agency as its agent of record.

He brought this to the board to determine whether to go out for quotes from agents to submit bids. In this case, the cost would not be the deciding factor due to the structuring of fees for agents representing counties on property and casualty policies. The county would be looking for the ability to represent the county well in the search for workers' compensation coverage. The focus would be on negotiation skills for property and casualty since there was only one provider in the state for that coverage.

Commissioner Elfering asked what the criteria would be for selection. Dan Lonai replied that the county would use the original criteria from the last RFQ process and work off that, seeking experience in the negotiation arena.

Connie Caplinger commented that the same process was done from time to time for things like this and banking services. Dan Lonai stated that he supported going out for quotes as a matter of course. Doug

Olsen commented that the last time quotes were requested for insurance agents were in 2004. **Commissioner Elfering moved approval to issue an RFQ for agent of record. Commissioner Doherty seconded. The motion carried 3-0.**

**Employee of the month: Commissioner Elfering read the resolution appointing Mike Fox as the Umatilla County Employee of the Month for the month of March 2013 and moved approval of the resolution. Commissioner Doherty seconded and the motion carried 3-0.**

3. **Ratification of Walla Walla Metropolitan Planning Organization:** Doug Olsen reported that there was not a final version available yet and the item was moved move to the agenda for the March 20, 2013 meeting.

4. **Used Excavator purchase:** Doug Olsen reported that the board authorized the road department to go out for bid for a used excavator. The staff recommendation was for the lowest priced excavator from Clyde West for a 2008 Volvo in the amount of \$97,623, allowing a trade in value of \$27,500, making the final cost \$70,123. Bob Nooy commented that the recommend low bid also had lowest hours on it. **Commissioner Elfering moved that the board accept the bid recommendation at a net cost of \$71,193 for a 2008 Volvo excavator. Commissioner Doherty seconded and the motion carried 3-0.**

5. **Approval of grant application – reduction of gang issues:** Kim Weissenfluh requested approval to submit a gang prevention grant application. The program was notified that there were some federal dollars left with state, which put an RFP out two weeks ago with a very short turn-around time.

If the county received the grant, the grant program would target North Morrow, West Umatilla and Milton-Freewater. The only reason the county was eligible was that Morrow County set the eligibility by responding to a survey.

The grant application asked the state to pay for a minimal coordinator to partner with area schools and law enforcement to fund evidence based programs, such as Umatilla Police Department's existing gang prevention program. A match would be required.

Connie Caplinger commented that the grant provided an opportunity to continue a great partnership and that the two juvenile departments were supportive. The grant application was cleared with the liaison commissioner and submitted without signature to preserve the application deadline.

Commissioner Doherty commented that the partnership went beyond the counties and asked if Morrow County was on board. Kim Weissenfluh reported that the program director and county court were aware and supported the grant application. **Commissioner Elfering moved approval of the grant application for funds to support reduction of gang issues. Commissioner Doherty seconded. The motion carried 3-0.**

6. **Annual sale of foreclosed properties:**

a. **Paul reconveyance of property:** Doug Olsen reported that one of the properties, at 1510 SW Hailey, may be redeemed. The record owners requested to redeem the property and the property owner was present for questions. The property owner delivered the funds necessary to redeem the

property. Commissioner Elfering was supportive of reconveying the property to the record owners. **Commissioner Doherty, in the matter of conveying tax foreclosed property to G. Scott Paul and Dawn M. Paul, moved adoption of Order Number TX2013-01. Commissioner Elfering seconded and the motion carried 3-0.**

b.

c. **Set foreclosed property sales:** Doug Olsen reported that with the redemption of the Paul property, the assessor was down to 7 properties to set for sale from the original 8. The proposed order would list the remaining properties.

The first was on Southeast 6<sup>th</sup> in Milton-Freewater with a real market value (RMV) of \$92,080. A property at 119 South West 19<sup>th</sup> Drive in Pendleton had a total RMV of \$16,740 with the lot holding the majority of the value. There was a small parcel in Ukiah with an RMV of \$120 and was not buildable due to its situation. Paul Chalmers noted that some of the properties were pieces where individuals did not realize they owned them.

There were two Elk Ridge subdivision lots in Lehman Hot Springs. One was left from the previous year and there was one new one. The new one had to be listed at its RMV of \$58030 because it was its first year on the sale list. The lots usually sold for about \$12,000 and it was proposed to drop the second to \$8,705 which was 15% of the RMV from its previous year's listing.

There was a strip of land adjacent to Riverview Lane, just outside Umatilla with a \$40 RMV and a Kik City area lot with a RMV of \$12,200, zoned industrial and unimproved. **Commissioner Elfering, in the matter of the sale of property acquired by Umatilla County, moved approval of Order Number TX2013-01. Commissioner Doherty seconded. The motion carried 3-0.**

7. **Enterprise Zone:** Paul Chalmers reported that this was Pioneer Hi-Bred's fourth request for an abatement through the expansions of the facility. There was nothing different to the current request as compared to the previous. **Commissioner Doherty moved that the board approve the agreement to the extended abatement for Pioneer Hi-Bred and authorize the chair to sign the agreement. Commissioner Elfering seconded and the motion carried 3-0.**

8. **Horse rescue medical costs –Sheriff:** Commissioner Doherty asked whether when the county seized a horse for neglect, it was a criminal or civil matter. Sheriff Rowan replied that it would be a criminal matter and his office would continue to work with the District Attorney related to the case. In these cases, restitution would be requested. Commissioner Doherty asked for the basis for the seizure in the current case. Sheriff Rowan responded that it was not specific to one particular animal. There were actually two different cases with two different owners and the action was the result of a citizen complaint. **Commissioner Elfering moved that the county reimburse the Buck Brogiotti Horse Rescue for \$1454.70 for veterinary care. Commissioner Doherty seconded. The motion carried 3-0.**

9. **Payment for animal rescue equipment – Sheriff:** Sheriff Rowan reported that the history of the request began 4 years ago when the county seized several horses from an owner. During the care for the animals, the county accrued a bill for over \$10,000 in a short period of time. Three years ago as a result of that experience, the rescue established a partnership with the sheriff when it became a 501 (c)(3).

Shortly afterward, feed costs increased as a result in the increase of fuel costs and the economic downturn. There was a discussion prior to John's retirement in that the property had enough land to produce feed and the rescue had existing equipment for the process.

However, the seed drill needed repair. With that repaired, there was a pivot location that had once been an alfalfa field. The consideration was that if the rescue could produce some of its own feed that would relieve the financial burden to it and the sheriff.

Commissioner Doherty agreed with the sheriff and noted that when the arrangement with the rescue was entered into seizures were at a high with animals also being released. The commissioner requested some documentation of the costs on the care of seized animals. He commented that the request almost constituted fee for service, which would not be approvable in any other case, but the sustainability would make it a worthwhile consideration.

The sheriff reported that there was a board for the rescue, but there was no current formal agreement between the county and the rescue. Commissioner Doherty approved of the payment and asked that the sheriff and county counsel look into developing some documentation to memorialize the agreement between the county and the rescue.

Commissioner Givens asked if the rescue planned to plant pasture or alfalfa. Sheriff Rowan replied that the water rights associated with the old pivot had been sold to the City, although there was some exploration into restoration of the rights. In the meantime, the plan was to place drought resistant grasses into the plot there.

Commissioner Elfering asked how many animals that space would support and whether it would suffice for the rescue's purposes. The sheriff stated that it was expected that it would be supportive of the rescue's animals. There were 14 horses on the property currently and at one point, there were 38 horses. Commissioner Elfering was supportive. Commissioner Doherty asked if there was a specific line item mentioned in the pinkie. The sheriff replied that the line item shown signified the animal care line item. **Commissioner Elfering moved that the county expend \$1257.19 in new blades and a late charge for the equipment repair for the Buck Brogiotti Animal Rescue. Commissioner Doherty seconded and the motion carried 3-0.**

10. **Moving existing compressor – Sheriff:** Sheriff Rowan reported that there was some sort of compressor that aided in running the building's HVAC system located directly above his and Lora Frank's office. When activated, it was loud enough to impede conversation. He was hoping to move it to a less intrusive place. It was loud from the time the building was built, but seemed to have become louder. He was hoping the source of the increase in volume could be determined in the process of moving it. Commissioner Doherty was supportive. **Commissioner Elfering moved approval of the bid from Gordon's up to the amount of \$2,780 to move the compressor. Commissioner Doherty seconded. The motion carried 3-0.**

11. **Authorization to establish a temporary position to fill in for deputy on medical leave – Sheriff:** The sheriff reported that one of the corrections corporals was out due to medical issues and the management was initially told the he could be out up to 4 months. That created a gaping hole in the jail's schedule. Rather than piecemeal on-call coverage and risk violation of the collective bargaining

agreement (CBA), the sheriff felt that a full time temporary hire while the corrections officer was out would suffice.

Connie Caplinger clarified that under the CBA the sheriff could not use any one on-call more than two shifts per week. Commissioner Doherty asked for confirmation that there would be no expected repercussions. Connie Caplinger reported that there was a restriction on CBA for any temporary position to last no more than 6 months. The sheriff stated that he had determined that he could cover the expense in his personnel line. **Commissioner Elfering moved to approve the establishment of a temporary, hourly, non-benefitted position to fill in for a deputy on medical leave not to exceed 6 months. Commissioner Doherty seconded and the motion carried 3-0.**

12. **Sidebar** – Sheriff Rowan introduced Jim Littlefield to the board as his under-sheriff.

13. **Supplemental Budgets (2)**: Commissioner Givens opened the public hearing at 10:23 a.m. and Bob Heffner provided the staff report for each of the supplemental budgets proposed as below. After the staff reports, the floor was opened to public comment at 10:25 a.m. and when no comment was offered, closed at 10:25 a.m.

d. **Fair, Budget Order 2013-38**: The fair required an increase in materials and services and contingency which was supported by higher than expected revenues from the livestock sale revenue. **Commissioner Elfering, in the matter of resolution adoption a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2013, moved approval of Budget Order 2013-38. Commissioner Doherty seconded. The motion carried 3-0.**

e. **Pioneer Relief Nursery, Budget Order 2013-39**: The Pioneer Relief Nursery required increase in expenditures supported by grant funds. **Commissioner Doherty, 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 2013-39. Commissioner Elfering seconded and the motion carried 3-0.**

The hearing was closed at 10:26 a.m.

14. **Budget transfers (2)**: Bob Heffner provided the staff reports for the two budget transfers as set forth below.

f. **Jail, Budget Order 2013-40**: The board's recent approval for the jail to purchase new radios required a transfer from the general fund contingency as set forth in the approval of the purchase. **Commissioner Elfering, 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 2013-40. Commissioner Doherty seconded. The motion carried 3-0.**

g. **Extension, Budget Order 2013-41**: The extension, in the process of making some personnel changes, required a transfer in personnel services to meet year end projections. **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 2013-41. Commissioner Elfering seconded and the motion carried 3-0.**

15. **City of Stanfield property conveyance:** Doug Olsen reported that the City of Stanfield requested the property after the county foreclosed on it. The proviso to the transfer would be that the city must use it for public purposes for 20 years after the conveyance.

Commissioner Doherty commented that Scott Pingle, the city manager, called to inquire about the property and he encouraged the city to make the request. Commissioner Elfering commented that the property was thought to have been established originally as a horse racing track.

Paul Chalmers stated that he would ask that the city pay the recording costs for the conveyance. Commissioner Doherty stated that the county had established a history of providing foreclosed properties to cities. The process did not cost the county and created a public benefit. Paul Chalmers added that there was a cost to county if it kept the property in its inventory of foreclosed properties because those required maintenance. **Commissioner Elfering, in the matter of approving transfer of certain land to the City of Stanfield for public purposes, moved approval of Order Number BCC2013-030. Commissioner Doherty seconded. The motion carried 3-0.**

16. **Milton-Freewater School District property conveyance:** Doug Olsen reported that the property was also a foreclosed property from the current year. The property was part of Freewater park and, previously, was part of the old Seneca cannery. The proposal was to transfer the property to the school district for public purposes. Commissioner Givens observed that the the property was part of the community's Little League field. Commissioner Elfering commented that fact alone would make sense to convey it to the school district. **Commissioner Doherty, in the matter of approving transfer of certain land to the Milton-Freewater Unified School District #7 for public purposes, moved adoption of Order Number BCC2013-031. Commissioner Elfering seconded and the motion carried 3-0.**

17. **Redemption Acceleration, 695 E Jennie:** Doug Olsen reported that the property was in the process of foreclosure and that a manufactured structure on it had burned. The City of Hermiston requested the acceleration action and proposed to abate the property relative to the remains of the manufactured structure, stating that it can have the remains removed for \$1,000. If the county decided to accelerate the process, the hearing would be set in April, making the redemption period 30 days in length. **Commissioner Elfering moved approval of the acceleration of the redemption period and set the matter for hearing on April 23, 2013. Commissioner Doherty seconded. The motion carried 3-0.**

18. **Opt out of the Community Dispute Resolution funding:** Connie Caplinger announced that the county had received the biennial allocation for community dispute resolution for some years. The funds amounted to a very small grant, which was also administratively cumbersome. If the county opted out, that would result in the University of Oregon Law School being assigned to act as the county's agent. Based on the administrative tasks versus the amount allotted to the county, she recommended that the county opt out.

Commissioner Doherty commented that the act of opting out would place money back into the school's budget. Commissioner Elfering asked how long the county had chosen the opt out. Doug Olsen answered that it was at least for the last 3 bienniums.

Commissioner Elfering asked what the purpose of the community dispute resolution program was. Connie Caplinger answered that it was used to supply volunteer mediators for neighbor to neighbor conflicts and the like. **Commissioner Elfering moved that the board agree to opt out on behalf of the county and authorize the chair to sign off on the opt out. Commissioner Doherty seconded and the motion carried 3-0.**

19. **Approval of CAPECO grant work plan:** Connie Caplinger reported that the item was the presentation of the annual action for the emergency shelter grant program and that part of the process for approval of the grant required the review and approval by the Board of Commissioners. Commissioner Givens asked if there were any significant changes and Connie Caplinger stated that the work plan was the same as the previous year's. **Commissioner Elfering moved to approve the work plan and authorize the chair to sign off on it on behalf of the county. Commissioner Doherty seconded. The motion carried 3-0.**

20. **Appointment to Wildhorse Foundation:** Doug Olsen reported that in November, the Board nominated (Senator) Bill Hansell to the Wildhorse Foundation Board through 2014. The Tribes readjusted the term periods of all members to stagger reappointments. The proposed order would change the term expiration to November 30, 2013 to reflect that readjustment.

Commissioner Doherty commented that from the inception of the foundation, (Senator) Bill Hansell was the county's nominee. The nominee was submitted by the Board of Commissioners for approval by the Tribes. He commented that the county could consider appointing someone else that would be a commissioner, although the appointment was not a commissioner position. However, if the Board would want to consider that possibility, it may get chance to do that again in November. Commissioner Elfering recalled a discussion with Senator Hansell where the senator asked him if he had any interest in the position. At that time, Commissioner Elfering stated that he did not follow that it was traditionally a commissioner position. **Commissioner Elfering, in the matter of nomination of William S. Hansell to the Wildhorse Foundation Board of Directors, moved approval of Order Number BCC2013-032. Commissioner Doherty seconded and the motion carried 3-0.**

21. **HELP Board appointments:** Doug Olsen presented a proposed order, explaining that the proposal updated two board members' appointments due to the departure of Senator Hansel and the company representative. The company representative position on the board would expire in 2013 and the commissioner position in 2014. **Commissioner Doherty, in the matter of appointment of Michael Odman and W. Lawrence Givens to the Helix Enhancement Launch Program (HELP) Board, moved adoption of Order Number BCC2013-033. Commissioner Elfering seconded. The motion carried 3-0.**

22. **Compensation review committee appointments:** Connie Caplinger stated that the Board needed to appoint the committee each year to recommend salaries for the coming fiscal year for all elected officials, which included commissioners, the sheriff and the supplemental portion of the district attorney's salary. She added that she circulated a list of people willing to serve on the committee and that those were the individuals to be appointed.

Connie Caplinger planned to distribute a packet of material to each of the appointees, containing comparative data on the salaries in other counties. The committee would then bring a recommendation to

the budget committee on April 24<sup>th</sup>. The sheriff was preparing information for the compensation committee to review. Finally, she tried to obtain a geographic balance in the county. Commissioner Elfering commented that he thought the district attorney's salary was set by the state. Connie Caplinger explained that there was a portion of the salary that the county can choose to supplement. **Commissioner Elfering, in the matter of appointment of compensation review committee for fiscal year 2013-14, moved approval of Order Number BCC2013-034. Commissioner Doherty seconded and the motion carried 3-0.**

#### **New Business:**

**Bid Award – Public Health vehicle:** Doug Olsen reported that bids were opened and reviewed for the Public Health vehicle at the beginning of the Board meeting and that staff had provided a recommendation. There were bids for a total of 5 vehicles from 3 dealerships, meeting the request for proposal requirement of a slightly used vehicle. Staff recommended a 2012 Chevrolet Impala with 8900 miles from Sherrell Chevrolet in the amount of \$16,900. The vehicle met all the specifications. Commissioner Elfering asked if there was any history available on the vehicle. Doug Olsen replied that the county did not get that information on bids. **Commissioner Doherty moved to accept the recommendation to purchase the 2012 Chevrolet Impala from Sherrell Chevrolet for public health in the amount of \$16,900. Commissioner Elfering seconded. The motion carried 3-0.**

#### **Commissioners' reports:**

1. **Bill Elfering:** The commissioner announced that the BOPTA hearings were concluded the previous week in one day and thanked staff for their assistance in ensuring that the documentation was in order, allowing the hearings to be concluded in a timely manner. He reported that he attended the Local Public Safety Coordinating Council (LPSCC) meeting, noting that it was well attended at city hall in Pendleton. At that meeting a proposal for Blue Mountain Recovery Center and the drug court treatment programs were provided. The commissioner announced that the steering committee met for the county's Athletic Achievement Awards and all schools attended except Echo and Ukiah. The scholar athlete category had been broken down to small and large school and the nominees were selected. The scholar athlete awardees were to be selected by the education service district representative.
2. **Dennis Doherty:** Commissioner Doherty announced that EOTEC had a meeting Friday, the 8<sup>th</sup>, related to the feasibility studies for naming rights and operating costs which produced a draft report of 130 pages. He expressed his appreciation to Connie Caplinger, Laura Headley and Commissioner Elfering for ensuring things ran smoothly while he and Commissioner Givens attended the legislative conference and for organizing the agenda in such a manner that created an efficient agenda.
3. **Larry Givens:** Commissioner Givens reported that the Energy, Environment and Land Use Committee for NACo voted to support US HR299. That would change the way the Corps of Engineers determined vegetation management on levees. The resolution was brought forward by delegates from California and supported by Oregon. The primary drivers for the resolution were the costs of meeting the Corps' current requirements. While in the nation's capital, the commissioners met with the legislators as a group (Senator Wyden), personally met with Senator Merkley and Senator Simpson of Idaho and provided the county's proposals to the representative delegation.

4. **Dennis Doherty afterthought:** Commissioner Doherty added that his retirement paperwork required that he provide a definite termination date, so he was announcing his intent to step down at the close of business on May 31, 2013.

5. **Larry Givens afterthought:** Commissioner Givens added that the AOC meetings on Monday, the 11<sup>th</sup>, were productive relative to the northwest renewables language changes. He expected one more meeting to finalize the legislative language for HB 2704, which was related to transmission line siting. Commissioner Doherty clarified that the bill proposed to authorize, but not require counties to determine siting requirements.

6. **Bill Elfering:** Commissioner Elfering asked Doug Olsen if there was anything necessary related to the LUBA decision. Doug Olsen replied that the county did not need to take any action unless it wanted to create an adjustment process.

**Scheduling of Next Meeting:** The next meeting will be held March 20, 2013.

#### **ADJOURNMENT**

The meeting was adjourned at 11:35 a.m.

Respectfully submitted,

Laura Headley  
Executive Secretary  
Umatilla County  
Board of Commissioners