

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Board of Commissioners' Meeting of May 1, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

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

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Glen Diehl, Umatilla County Law Enforcement Department Traffic and Criminal Division Watch Commander; Jack Esp, Candidate for Umatilla County Commissioner Position 1; Bob Patterson, City of Pendleton Public Works Director; Gina Miller, Umatilla County Code Enforcement Assistant; Tamra Mabbott, Umatilla County Land Use Planning Director; Drew Osias, Rodeo City Inn Manager; Terry Rowan, Umatilla County Sheriff; Eli Stephens, Constituent; Mike Montchalin, constituent; Chris Rizer, East Oregonian City Reporter; Phil Wright, East Oregonian County Reporter; Bill Gregory, Constituent; Jerry Baker, Candidate for Umatilla County Commissioner Position 1; Ron Hayward, Umatilla County Fairgrounds Maintenance; Peggy Anderson, Umatilla County Fair/Fairgrounds Manager; Jack Remillard, Umatilla County Emergency Manager

CALL TO ORDER

The meeting was called to order at 9:04 a.m. Chairman Givens reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Employee of the Month: Commissioner Elfering read the resolution naming Ron Hayward as the Umatilla County Employee of the Month for the month of May, 2013 and moved approval. Commissioner Doherty seconded. The motion carried 3-0.

Approval of Minutes: The minutes of the Administrative Meeting of April 10, 2013 and the Board of Commissioners Meeting of April 3, 2013 were presented for approval. Commissioner Elfering moved approval of the minutes of April 10 and April 3, 2013 as written. Commissioner Doherty seconded and the motion carried 3-0.

Additions to the agenda:

1. Appointments to Mosquito Control District
2. Authorization of HELP award to City of Helix

Consent Agenda:

1. Authorization to waive the hiring freeze, recruit and hire a criminal deputy
2. Authorization to waive the hiring freeze, recruit and hire a DDA1

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

Agenda Items:

1. **Discussion with City of Pendleton – Lee St. Bridge:** Doug Olsen reported that county staffs' research revealed that the bridge was owned in 50/50 shares by both the city and the county. However, the city was approved on the grant for the bridge.

Commissioner Elfering stated that the funds for a county match for the grant were not available. Bob Patterson asked if the commissioners would weigh that for future budgets. Commissioner Elfering stated that he would take that under advisement.

Commissioner Givens commented that the road department had a \$422,000 infusion from PILT that would not continue and that if it continued the department and county would be lucky. The loss of those funds would create a big hit.

Bob Patterson asked if the county would consider a loan for the match from the city. Commissioner Givens replied that the county would take that under advisement, also.

Bob Patterson asked if the county would consider deferring further discussion until he conferred with city management. Commissioner Givens asked for input from the commissioners.

Commissioner Doherty commented that he would like to hold a work session format to determine whether the loan option would be considered, noting that between the last discussion on April 17th and current meeting the ownership question was resolved. It seemed to him that the matter was down to how to fund the project. He felt that it was pretty problematical to make a commitment of that size without the knowledge that the revenue was available.

Bob Patterson asked who and what the work session would comprise. Commissioner Doherty stated that there would be no more than one commissioner and staff from both sides to discuss the proposals. Commissioner Givens added that Commissioner Doherty would be likely be the assigned commissioner as he was the budget liaison. Commissioner Givens stated that the county and city would continue communication and return to the board with recommendations at a future meeting.

2. **Discuss status of Rodeo City Inn:** Doug Olsen reported that the board was asked to decide whether to send the matter to the court as a nuisance property. There were some recent developments in that the inn had a potential buyer, Bruce Carver.

Commissioner Givens stated that he would want to hear from the public although, he emphasized, the item was not a hearing. He asked that when the public was asked for input that those who wished to speak limit their comments. He asked for a report from the sheriff.

Lt. Glen Diehl stated that the property had been a great drain on the department resources. Since January 1, 2010 through April 8, 2013, deputies responded to more than 300 calls for service. In the current year alone, there were 6 qualifying matters to set the property as a crime property. Since the request was filed, there were an additional 3 qualifying incidents. It was the department's recommendation, based on the property condition, to move the case forward to the courts.

Doug Olsen added that the county had the option to stop the proceedings at any time so that an agreement between the county and owners could be executed. The purpose of the designation was that it was not intended to punish property owners but to protect the public.

Commissioner Doherty commented that it seemed that there was no confirmation of some of the representations, i.e., the sale of property. Commissioner Elfering stated that even the e-mail received from the prospective buyer indicated that the result was that the inn would be shut down for a period of time anyway. He thought that it might be worthwhile to wait to see the outcome of the new ownership and then take another look at the property further down the road.

He noted that there was a number of permanent residents living there and asked about cooking and refrigeration facilities. Drew Osias, manager of Rodeo City Inn, stated that there were 34 families living at the Inn. All units were provided with refrigeration, but that the tenants supplied their cooking facilities. He added that there were 5 kitchens in the building for resident use.

Drew Osias stated that Rodeo City LLC was the property owner and that his brother and sister in law were the corporation's principles. They were non-resident owners, living in Nyssa.

Commissioner Doherty asked if there was anyone who could confirm that the Carver option proposal was in fact true. Doug Olsen indicated that the offer was mailed out Monday. He added that the board was asked to authorize the county to move forward with the nuisance action and noted that it would take some time to prepare the documentation.

Osias' provided a letter to the board from the owners' attorney regarding the action because the attorney was unable to attend the meeting. Doug Olsen pointed out that in response to the letter, notice was sent by certified mail pursuant to statute to the owner and then also to those affected personally as well.

Commissioner Doherty asked Drew Osias if his attorney was also the attorney for the owners. Drew Osias responded that he was. Commissioner Doherty asked if the owners were aware of the pending action against the property. Drew Osias confirmed that they were aware.

Commissioner Doherty commented that the problems at Rodeo City Inn had been going on for some time and asked if the notice from the county was the owners' first awareness of the problems. Drew Osias answered that they were aware of the previous problems and noted that most of the people who were involved were removed from the property as soon as management was aware of the problem.

Connie Caplinger commented that had she known that the discussion of this was on the agenda, she would have made sure that the county's environmental health personnel would also have been there, as there have been problems there that the program had addressed. Doug Olsen added that the inn was briefly shut down by Public Health.

Commissioner Doherty asked how long the Osias owned and managed the inn. Drew Osias replied that they took possession and management in 2007. Commissioner Doherty asked if Drew Osias could explain why the county received the letter from his attorney at the eleventh hour. Drew Osias stated that was because he did not know that the item was on the agenda until he saw it in the paper. Doug Olsen stated that was correct, that notice was not required.

Commissioner Doherty did not know if the sheriff saw the letter yet and continued, stating that if the process needed work, that could be done without board input. Sheriff Rowan believed that the root issue on the property was the continued allowance of criminal activity there, resulting in property crimes against area agricultural operations. The changing industry standard was to begin taking a holistic approach to enforcement and he would recommend that the process move forward so as to stay on track to encourage impact on the criminal element.

Commissioner Elfering commented that if any action the board took would simply move the matter forward to the courts for any court action, he would believe that there was enough evidence to move forward on the matter. Eli Stephens stated that if the county moved forward the new owner would likely want the slate wiped clean from his perspective. Further, he noted that not only had county responded to incidents at the property, but also the state police.

As a neighbor, he had been broken into numerous times and one of the former residents of the inn was now doing time for crimes related to the property. Another was on mental health hold. The property was also the scene of numerous fights. Since the 10 day notice was posted, there had been three more incidents. The nature of the property and the incidents were causing a loss of business for him.

Drew Osias' attorney recommended that he emphasize that the individuals on the property were not served. Mike Montchalin stated that he was concerned about property rights and likened the proposed action to a property being held responsible for the behavior of its residents. He also noted that the owner did his best to remove the criminal element.

Tamra Mabbott commented that there were other county departments that were involved with the property. There were pending solid waste violations and possible zoning violations. Commissioner Givens commented that the sheriff was asking the board to move forward with the case.

Commissioner Elfering commented to Mike Montchalin relative to the property owner who did his best that he would not believe that management had done its best and noted that there was precedent for confiscation of properties. **Commissioner Elfering, in the matter of authorization of filing of complaint to restrain and enjoin nuisance occurring on Rodeo City Realty LLC property, moved approval of Order Number BCC2013-048. Commissioner Doherty seconded** with further discussion. The commissioner noted for the record that various county agencies had done all reasonably asked of them to give the property owners and managers time to abate the situation. He also commented, in relation to the letter from the managers' counsel that the statute cited does provide for notice to the occupants, but thought that county counsel concluded that once matter moved forward that notice would be provided to the individual residents. **The motion carried 3-0.**

3. **Red Cross MOU:** Jack Remillard reported that the proposed MOU stated the responsibilities and manner of collaboration in the event of a disaster. This was brought on by the Red Cross' administration after the bus accident. Sheriff Rowan commented that he reviewed the document and it appeared to be appropriate. Jack Remillard added that putting an MOU in place formalized procedure and clarified process which would go a long way toward alleviating miscommunications during non-emergency tasks as had happened during the bus accident response.

Commissioner Doherty suggested that the county should have a line item for provisions specifically for emergency response items as agencies otherwise end up depending upon donations from the public. Jack Remillard responded that it would be nice to have a fund to go to in circumstances like that.

Commissioner Doherty moved that the board approve the MOU between the Red Cross and Umatilla County Emergency Management as presented and execute the document. Commissioner Elfering seconded and the motion carried 3-0.

4. **Post PERS retirement hiring (2):** Connie Caplinger reported that the county's retirement policy 4.7 provided for the hire of post PERS employees. Those were people already retired from PERS contributed employment, but who could be re-hired in part time non-benefitted positions. The two employees seeking approval for the post PERS employment were Roy Drago, whose post PERS request was new, and Ruth Snively, whose request was a renewal. **Commissioner Doherty moved that the board authorize the community corrections post PERS position. Commissioner Elfering seconded. The motion carried 3-0. Commissioner Doherty moved that the board approve the sheriff's request for the post PERS hiring of Roy Drago. Commissioner Elfering seconded and the motion carried 3-0.**

5. **Approval of vehicle policy:** Connie Caplinger reported that once the board approved the law enforcement vehicle replacement policy, staff was tasked with developing a replacement policy for non-law enforcement vehicles. The hope was that vehicle replacement would become a more uniform process.

The proposed process was that the vehicle replacement committee was to review the requests submitted to it before a purchase was authorized. There was money budgeted for the process.

Commissioner Doherty asked who sat on the committee. Doug Olsen replied that the members of the committee were Connie Caplinger, Paul Chalmers and Bob Heffner. Once they reviewed a request, they were to make a recommendation to the board.

Commissioner Elfering asked if the committee would determine which vehicles needed to be replaced. Connie Caplinger confirmed that, but said that the board would make the final determination. She explained that the recent vehicle purchases averaged about \$16,000 per vehicle, so the county could expect to replace about 3 per year at the budgeted \$50,000 annually. That did not preclude departments from purchasing a vehicle outright from their budget, if they desired.

Commissioner Doherty noted that the disposition of the vehicle being replaced was not addressed and asked if that would be part of the discussion with the committee. Connie Caplinger explained that the current practice was that the vehicles were turned over to the road department and put up for auction as appropriate. Doug Olsen added that was unless another department wanted the vehicle. **Commissioner**

Doherty moved that the board approve Fiscal Policy 11.0, fleet management plan for non-law enforcement/public works. Commissioner Elfering seconded. The motion carried 3-0. Connie Caplinger expressed thanks to the staff members who helped prepare the policy, Robert Pahl and Doug Olsen.

6. **Listing of property for sale:** Doug Olsen reported that the piece of property was foreclosed on for delinquent taxes and presented in the county's auction with the minimum bid set at \$92,000. It did not sell at the annual sale and staff was recommending that the property should be listed with a realtor. The property was in good and clean condition. Doug Olsen, in answer to a question, stated that the county should leave the listing price to the realtor. The county went out for RFP some time ago for a realtor and used the John L. Scott agency in Milton-Freewater listings. **Commissioner Doherty moved to authorize county counsel to list the property with the realtor, John L. Scott and to allow the realtor to establish the asking price. Commissioner Elfering seconded and the motion carried 3-0.**

7. **Discussion for use of fairgrounds equipment:** Peggy Anderson noted the county policy related to operation of vehicles by non-county personnel and stated that she would like to discuss the use of county equipment at the fairgrounds. She pointed out that the tractor was as important to the fair as the road department's graders were to them.

Within the last month, RDO who provided the fairgrounds' Gator had determined that the Gator would no longer be driven by anyone other than county employees or fair board members. Although there were also concerns relative to liability, the primary concerns were damages that occurred to the equipment in the past and that the insurance did not cover property damage relative to the equipment. The fairgrounds staff was seeking clarification from board after having spoken with Doug Olsen and Dick Ferranti.

Commissioner Givens asked if the staff was looking for consistency in the application of the policy. Doug Olsen stated that as long as the county could provide insurance non-county personnel had been allowed use of equipment.

Commissioner Elfering asked for examples of equipment use. Peggy Anderson explained that for an event, i.e. rodeo or barrel racers, the hosting organizations had used the county's equipment to groom the arena. However, at least once the perfecta had been wrapped around a post and there was an incident during the 2012 Festival of Lights when unsupervised volunteers stood on Gator and broke the dash as a result. The fairgrounds' bucket truck had the added concern of OSHA liability with unqualified users.

Additionally, the equipment was being beaten up and the fairgrounds still needed to stretch its lifetime for a few more years. Ron Hayward added that the damage occurred after hours primarily.

Peggy Anderson commented that the previous Friday sometime while Ron Hayward was at lunch, one of the buildings was accessed without authorization and being used to store and event organizer's items. Commissioner Givens commented that the policy would apply to use by the fair manager, staff and the fair board. Doug Olsen added that the rodeo would have its own equipment. Peggy Anderson replied that the rodeo used the fair equipment as well and the portable stage was used by the city. Because the city and the rodeo were covered by their insurance, the fair board and staff were more concerned about private organizations' use of the equipment for liability purposes.

Commissioner Givens stated that it seemed that the fairgrounds would ask that no groups that were accessing grounds for events were to use any of the equipment. Peggy Anderson emphasized that especially motorized equipment was of concern due to the cost of repair and replacement.

Commissioner Elfering commented that development of a policy like that would be something that county counsel and fair staff should work on putting together. Commissioner Givens preferred that the equipment not be used as in the past and suggested that perhaps the group needing the equipment could approach the fairgrounds manager to arrange to reimburse the county for the cost of the employee's time during the use of the equipment. Commissioner Doherty stated that the board would want management to have some flexibility on the policy as it applied to the users' equipment experience. The Board directed that a policy be prepared and brought back to a future meeting for consideration.

8. **Appointments to Mosquito Control District:** Doug Olsen reported that the order was needed to replace Jim Stearns, who resigned due to his new employment, and reappoint Karen Talaski. **Commissioner Doherty, in the matter of appointment of Cynthia A. Harvey and Karen D. Hutchinson-Talaski to West Umatilla Mosquito Control District Board of Trustees, moved adoption of Order Number BCC2013-047. Commissioner Elfering seconded. The motion carried 3-0.**

9. **Authorization of HELP award to City of Helix:** Commissioner Elfering commented that in his review of the recommendation from the Helix Enhancement Launch Program that some reference to a flood was made. Doug Olsen affirmed that the benefit plan board approved the request for assistance in mitigating damage resulting from a flash flood in the early summer of 2012. **Commissioner Elfering, in matter the matter of awarding community benefit plan grant to the City of Helix, moved approval of the recommendation from the HELP board. Commissioner Doherty seconded and the motion carried 3-0.**

New Business: None.

Public Input: Jack Esp stated that he was disturbed in response to the suggestion that when emergency action resulted in public response that the county should consider setting aside funds for humanitarian response. He felt the comment that the county should set aside funds was out of line.

Commissioners reports:

1. **Commissioner Doherty:** The commissioner commented that he was pleased that Mr Caplinger was at the WUMCD joint meeting and added that everything at the meeting was satisfactory.

2. **Commissioner Elfering:** Commented that he learned at the BPA listening session that he was not aware of the extent of water storage in Canada. He also had some e-mail exchange with the extension related to the drone experimentation. Commissioner Doherty added that if he remembered correctly, there were figures posted on the screen at the BPA listening session stating that 38% of the water in the Columbia River originated in Canada although only 20% of the river basin was there. He came away with the thought that the board should construct input and submit that prior to the deadline of May 31st. Commissioner Elfering congratulated Commissioner Doherty on his confirmation to the state water commission.

3. **Commissioner Givens:** Reported that he would be attending the MPO meeting in the afternoon

and expected that the group would be moving ahead with the regional transportation plans.

Scheduling of Next Meeting: The next meeting will be held May 15, 2013.

ADJOURNMENT

The meeting was adjourned at 10:38 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners