

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Board of Commissioners' Meeting of August 1, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

** ****

COMMISSIONERS PRESENT: Larry Givens, Chair; Bill Elfering, Vice Chair;
George Murdock, Commissioner

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Paul Chalmers, Umatilla County Assessment & Taxation Director; Tamra Mabbott, Umatilla County Land Use Planning Director; Sarah Williams, Umatilla County Interim Public Health Administrator; Roberto Sustarta, Manager, Locust Mobile Home Park; Cheryl L. Stephens, retired constituent; Nancy Shaw, Locust Mobile Home Park; Dan Shaw, Locust Mobile Home Park; Lewis Key, Mayor, City of Milton-Freewater; Orrin Lyon, Council Member, City of Milton-Freewater; Linda Hall, Manager, City of Milton-Freewater; Ferriba Steadman, Business Owner; Dan Kilmer, Vice President, Kilmer Auto Parts; Amy Word, Constituent; Mike Anderson, Constituent; Marge Roff, Principal, Roff Real Estate; Bernie Duffy, Oregon DEQ NRS III; Chris Burford, Locust Mobile Village Counsel; Don Butcher, Oregon DEQ Basin Coordinator; Phil Wright, East Oregonian Senior Reporter; D. Lavezzs, Western Store Owner

** ** ****

CALL TO ORDER

The meeting was called to order at 9:05 a.m. Chair Givens reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Employee of the Month: Commissioner Givens announced that Paul Word was named the Umatilla County Employee of the Month for the month of August 2013. **Commissioner Givens moved approval of the selection of Paul Word as the Umatilla County Employee of the Month for August 2013. Commissioner Elfering seconded. The motion carried 3-0.**

Approval of Minutes: The minutes of the Administrative meeting of June 27, 2013 and Board of Commissioners' meeting of February 20, 2013 were presented for approval. **Commissioner Murdock moved to approve the minutes of June 27 and February 20, 2013. Commissioner Elfering seconded and the motion carried 3-0.**

Additions to the agenda:

Policy Strategy – Community Development & County Roads

Consent Agenda:

1. Economic and Community Development is authorized to provide payment to public Works for the chip sealing project at the fairgrounds - \$5,000
2. Authorization for out of state travel for Rick Partlow
3. Waive the hiring freeze and authorize the hire of on-call treatment staff
4. Request to waive the hiring freeze, authorize recruitment and hire of Inmate Program Tech

Commissioner Elfering moved approval of the consent agenda. Commissioner Murdock seconded and the motion carried 3-0.

Agenda Items:

1. **Board Compensation Order Update:** Doug Olsen reported that in 2002 the Board documented its compensation package by order. The order needs to be. The change is necessary because of a change to the charter and changes to the PERS law. **Commissioner Elfering, in the matter of documenting compensation of Board of Commissioners, moved approval of Order Number BCC2013-056. Commissioner Murdock seconded. The motion carried 3-0.**
2. **Approval for Updated Job Description:** Doug Olsen stated that public information officer duties were added to the position relative to Emergency Planning. The position description would be revised showing the duties specific to acting as public information officer for emergency services only. **Commissioner Elfering moved approval of the updated job description. Commissioner Murdock seconded and the motion carried 3-0.**
3. **Award Bid for Vehicle Purchase:** Doug reported that the Board authorized staff to go out for proposals for two SUVs, one each for Economic Development and Assessment and Taxation. One vehicle was to be funded from the fleet management fund and one from the economic development budget. The bid from Denchel met the needs of Economic Development.

However, the Legacy and Sherrell bids did not meet the needs of the Assessment and Taxation department due to excessive mileage on the Legacy offering. The Sherrell offering was priced higher than the budget would allow.

The request to go out for bid for a new or program vehicle was presented for the department with the expectation that a new vehicle could prove to cost less and meet the specifications. Paul Chalmers stated that when he saw that there was more 60,000 miles on the offered vehicles, he determined that perhaps another attempt at finding a suitable vehicle should be made.

Commissioner Murdock moved that the county award the purchase of the 2012 Escape in the amount of \$19,900. Commissioner Elfering seconded and the motion carried 3-0. Commissioner Murdock moved that Assessment and Taxation be authorized to go out again for proposals for a new vehicle. Commissioner Elfering seconded. The motion carried 3-0.

4. **Response to Purchase Offer on Foreclosed Property:** Doug Olsen reported that a property on SE 6th in Milton-Freewater, which was not a typical foreclosed property in that it was in fairly good condition and clean, was the subject of an offer. The roof shingles were bad in a couple spots.

The real market value was \$90,000. The actual market value was likely to be less. The county received an offer of \$30,000. The staff recommended that the offer should be rejected.

The property consisted of a 2 bedroom home built on a slab with no central heating system. If a counter offer was extended, it was recommended that it should be in the region of \$45,000.

Commissioner Elfering moved that the county make a counter offer of \$45,000. Commissioner Murdock seconded and the motion carried 3-0.

There was some discussion of whether to authorize staff to list the property at \$45,000 in the event of a rejection of the counter.

5. **Policy Strategy – Community Development & County Roads:** Commissioner Murdock stated that he would like to raise the issue stemming from Goad Road and the need for housing in Pendleton. It seemed the project was hung up between the desire to have the county approve improvements to Goad Road, at considerable cost to the county and no benefit to the county. He would like to consider setting some policy via a work group regarding the project.

Commissioner Givens commented that there would need to be one commissioner to act as the lead on the work group to prevent convening a forum. Commissioner Elfering commented that part of the conversation should involve how an expenditure of that magnitude would affect the rest of the county functions.

Commissioner Murdock added that he would not want the county to be an impediment to economic development, but would feel that the county also needed some partnering with the other agencies involved.

Commissioner Givens asked Doug Olsen whether such a task should be initiated at the staff level. Doug Olsen suggested that staff should have some discussion first and then bring a report to the board.

Tamra Mabbott suggested that a staff work session could be put together. Then, perhaps, a work session on the process of planning could be put together. A discussion of the history of Goad Road was had and Commissioner Givens directed Tamra Mabbott, Doug Olsen and Tom Fellows to put together a work session to bring a report to the board or to develop a packet for board participation in a work session. The target date should be after fair and perhaps after Round Up for further discussion.

6. **Annexation Petition - Public Hearing - 10:30**: The time appointed for the public hearing not yet having been reached, the board opted to continue through the remainder of the agenda as follows.

New business:

7. **Supreme Court on the Wind Development Ordinance**: Doug Olsen reported that the Supreme Court declined to review the appeals court decision. Therefore, the decision stood, and the issue has been remanded to LUBA for the matter of state pre-emption. Tamra Mabbott asked if the county still had the option to re-open the hearing for specific questions. Doug Olsen responded that the matter would first have to be remanded to the county and suggested that the county should wait for LUBA's decision on the remand.

8. **Public Safety Levy proposal**: There was a brief discussion of when to put the proposed levy on the board agenda.

Public input: Commissioner Givens asked for public input, clarifying that this public input agenda item was for all other than the public hearing. No public input was offered.

Commissioners' reports:

Commissioner Murdock: The commissioner requested a fairgrounds update. Commissioner Givens reported that the repaving idea for the corridor for the food vendors would be cost ineffective and that the chip sealing was decided to be most effective. He also reported that the mutton busting arena was moved. Commissioner Murdock reported that his sense of the wraparound meeting was that the county was making good progress with the collaboration already established. Early implementers would have the opportunity to help develop policy for the new Early Learning Hubs.

Commissioner Givens: Commissioner Givens reported that he had a call from Judy Shiprack stating that she and Bob Shiprack, who was on EFSC, would like to visit the county fair. He also announced that he would be at the fair most of the next week. The commissioner added that Senator Wyden, Senator Merkley, Representative De Fazio and Representative Walden had moved the forest bill forward in Congress.

Commissioner Elfering: The commissioner had nothing further to report.

Recess and Reconvene: All other business on the agenda having been completed, the chair recessed the meeting at 9:57 a.m. to reconvene at 10:30 a.m., the time set for the Annexation Petition Public Hearing. The chair reconvened the meeting at 10:31 a.m.

Annexation Petition - Public Hearing - 10:30:

Commissioner Givens opened the public hearing on the annexation petition at 10:33 a.m. with a translator present for those who were not proficient in English, providing a recitation of the petition and citing the applicable statutes. The commissioner also commented that the folder the board was provided had maps of the area that was proposed to be annexed. The initiators of the annexation request were listed and Chris Burford reported he was present to represent the Locust Mobile Village. Commissioner Givens asked that parties be brief in their comments.

Staff report:

Doug Olsen opened the staff report stating that the county received the petition seeking municipal support to alleviate a public health danger, which was proscribed in state statute. He went on to explain the process. The Oregon Health Authority (OHA) would ultimately make any decision as to annexation.

Another public hearing would be held once the petition reached the OHA to allow the opportunity for petitioners and others to provide input. The Board of Commissioners was required to do some investigation, which had been done.

The Oregon Drinking Water Program provided considerable information dating from 1988 noting bacteria and nitrates in the water of 70% of the wells in the proposed annexation area. Later testing remained consistent for bacteria with increases in nitrates.

Consideration of these resulted in past recommendations supporting a community water treatment facility for the properties within the proposed annexation area from the OHA and DEQ. However, there was no funding available to install a facility.

The latest tests on the well water show that some contaminant levels remain the same, but that there were increases in the coliform bacterial and nitrate rates. In some cases the increase was higher than allowable levels under state standards, but that some of those fell below the danger zone under federal standards.

The county had received an additional letter from the City and an additional letter from the Locust Mobile Village. **Commissioner Murdock moved to enter those items submitted for consideration as Exhibits 1 through 15. Commissioner Elfering seconded and the motion carried 3-0.**

Part of packet included the relevant statutes defining a significant danger to public health. The specific definition was found at the beginning of Exhibit 2 identifying significant danger as one where there was a reasonably clear possibility that the public had been exposed to contaminants exceeding the state's allowable volume. The sole purpose of the county's involvement was to investigate the circumstances leading to the filing of the petition for annexation and determine if there is a likelihood of danger to public health in the area north of Milton-Freewater, along Highway 11 and if there were city facilities available to mitigate that danger. Notices of the public hearing were mailed to the property owners, mobile village's attorney, the City of Milton-Freewater and the State of Oregon as prescribed in the state's statutes.

Commissioner Givens introduced Commissioner Elfering and Commissioner Murdock to the group from Milton-Freewater and requested that Doug Olsen provide an explanation of the process necessary for the hearing and the annexation petition.

Doug Olsen explained the public hearing process. Before the public comment could be taken, the staff report must be made, and commissioners' questions taken. At that point, comments and questions from the public would be requested. Doug Olsen reminded those present that the hearing was set only for the board to determine whether it was likely that the water quality posed a public danger and sending the petition to the Oregon Health Authority was warranted. The county had no input on the costs to mitigate the danger. The process, time frame and cost plan would need to be addressed by City Council.

Commissioner Givens asked if there was an issue where the city could recover costs from the landowners or apply for grant funding so that the costs could be clarified. Doug Olsen replied that the funding would be up to the city, although it was assumed that the city would seek any available means, including grants or Local Improvement Districts to fund a project.

Commissioner Elfering asked if there was a time frame for remediation. Doug Olsen responded that once the state made the determination that there was a public health hazard, the city would have a year to address it and then another year to implement the plan.

Commissioner Givens asked for clarification that the county was only to determine if there was a health hazard and would afterward have nothing to do with annexation. Doug Olsen confirmed that statement.

Commissioner Givens reviewed the order of the hearing actions as starting with the staff report, then input from the petitioners followed by input from the respondents.

Introduction of staff:

Commissioner Givens introduced the Board's staff and department heads affiliated with the proposed annexation as follows: Laura Headley, Executive Secretary for the Board of

Commissioners; Tamra Mabbott, Land Use Planning Director; Doug Olsen, County Counsel; and, Sarah Williams, Interim Public Health Director.

Public comment:

The chair opened the floor to public comment at 10:37 a.m.

Proponents:

Chris Burford introduced himself as the counsel for Locust Mobile Village. He noted that the residents of the mobile village provided the majority of the signatures on the petition and referred to Exhibit 15, the written testimony of Nancy Shaw, making brief comments on her statements as they related to the Oregon Revised Statutes relative to dangers to public health and remedies for locations near municipalities.

He noted that the county's role was quite small in that it was only to determine whether there was evidence of a danger to public health which would substantiate forwarding the petition to the state for further examination. The remaining outcomes from the petition belonged to the state.

He added that there was evidence that further investigation would be necessary to verify, but that shallow wells and lack of filtration contributed to the water quality problems in the area associated with the annexation petition. He referred to studies already documenting the danger and noted that the statute did not expect the county to do an exhaustive study, nor did it require a public hearing, although it required a determination of evidence of public health danger within 90 days of the filing of the petition. That 90 day time period would expire on August 6, 2013.

Nancy Shaw, owner of Locust Mobile Village, noted that she had owned the property for about 30 years and was previously aware that a local improvement district could be formed. She noted that there was a history of leaks in the aquifer area at the former fruit packing plant.

She had attempted to drill an additional well, but the permit had been denied by the city which cited the reason as the location would be within 5 miles of the city's aquifer. Chlorination was attempted, but the park did not have the ability to install a more sophisticated system.

She was concerned about the possibility of an outbreak of illnesses related to the water problems. She also consulted with Anderson-Perry and was concerned that the economic growth for that area was stymied and that the businesses located there would no longer be able to operate. She also emphasized the need for the affordable housing.

Marge Roth, owner Roth Real Estate, reported that the city was aware of the problems since about 1987 and that a solution was necessary to stop the flow. The aquifer flowed from south to north, which brought some contaminants from the city limits and areas further south.

Some time ago an attempt was made to mitigate the contamination, but that stopped due to the inability of the group working on it to develop a plan. She would support mitigation as far up the corridor as possible and particularly the low lying areas enroute to the Walla Walla River and would support the county's further assistance on the matter.

Bernie Duffy, Department of Environmental Quality, introduced himself as the area's onsite sewage disposal supervisor and briefly described the soil conditions that aggravated the problem. The soil in that area was primarily gravel, loam and sand, resulting in little or no filtration of sewage.

On the east side of the highway north of Widner Electric, most locations had holding tanks. Because there was no type of filter other than sand, the conditions were restricting further development in that area.

Prospective developers had also reported denials of service or development due to the same situation. Most significantly, Head Start was denied a site near the park due to inadequate filtration. As a result of this and other expansion denials, he supported the petition for annexation.

Roberto Sustasta, manager of Locust Mobile Village, reported that he had spent 10 years at the mobile home park. He reported that he was using chlorine to purify the water as soon as the pump would break down. He also notified the residents of water quality problems and provided them copies of the water quality reports in both English and Spanish. All residents were required to boil their water to use for drinking. He commented that it was time to move forward with a plan and believed that the future growth of the town required a new plan as well.

Opponents:

Linda Hall, Milton-Freewater City Manager, commented that in listening to some of the comments, there was an understanding that the city initiated the process. She wanted to clarify that the city was actually in opposition to the annexation.

The city questioned the existence of a public health danger because the locations are private properties, which would then question why the businesses were not closed down if the contamination existed. She would ask why the business owners would not cease operations, citing ORS §90.730 that stipulated that owners of properties, whether public agencies or private rentals, have the burden to provide drinking water and alleged that the statute named earlier was not compulsory.

Linda Hall contended that the subject property was not eligible for annexation because two lot owners between the properties where annexation was requested and the city had not signed the petition. She stated she was not aware of the petition by Ms. Shaw to add a well and further questioned the validity of the petition signers, alleging that the property owner was not a resident and the claimed owner was not the owner. She closed by stating that an annexation would be burdensome for the city.

Lewis Key, Mayor of Milton-Freewater commented that although he understood the residents' frustration, but that he estimated the cost of a project to connect the area to the city's water and sewer system to be \$250 per foot. He did not believe that the city could bear the costs.

Orrin Lyon, City Councilman, added that he felt that the water and sewer situation there was a private problem and that the city, county or state should not be asked to mitigate a private problem.

Commissioner Givens asked Doug Olsen to review the definition of a public health hazard. Doug Olsen reported that a public health hazard was defined as the public generally being exposed to disease caused physical suffering or illness and that the public, for the purposes of the definition, would include those in a business using water as part of its services and not necessarily private homes.

Dan Kilmer asked if that was what the law stated or was county counsel's opinion. Doug Olsen replied that it was both because public exposure would result in the determination of a public health hazard.

Commissioner Givens asked if the trailer court counted as a private residence. Doug Olsen replied that it would not in his opinion.

Marge Roff commented that a motel, in her opinion, was a public business. Doug Olsen agreed to that characterization. Mike Anderson, owner of Outwest, also commented that he would state that it was a public business.

Ferriba Steadman, owner of Milton Saw Shop, commented that she opposed the annexation and commented that there was a lot more involved to it, including fees and taxes. She understood that some landowners had used various methods of mitigation and claimed that the petition was invalid. A representative from the OHA contacted them during the study, looking for options, and noted that a chlorination system at the time was the most likely fix.

Dave Lavazzo-Lennert commented that he got his water from Nancy Shaw's well, and although neither against or for the annexation, was not enthused with the annexation. However, he felt there should be a remedy aside from the annexation.

Cheryl Stevens asked, if the annexation went through, would everyone have to pay including those who would not want a sewer and water line. Commissioner Givens explained that there were several processes available for the annexation. He would, however, expect that the city rates would be higher than county rates or an alternative would be that the residents in the annexed area would pay for the project through a local improvement district (LID). Grant funding could also be available, as well as assessing the cost by property in the annexed area.

Doug Olsen added that if an LID were formed then the determination of the assessment would follow. However, until annexation took place, those questions would be unanswered.

Cheryl Stevens expressed concern for those for whom finances might create a hardship if they must contribute to the construction of a connection to the city's facilities. Commissioner Elfering asked if the annexation went through, would everyone be required to participate in the project? Cheryl Stevens commented that it would be likely that either the city or county would take the property then if the property owner could not afford the assessment.

Rebuttal:

Nancy Shaw commented that she would love to do whatever the state required for a new well. She had installed 900 gallon holding tanks with a chlorinator, but the chlorinator sometimes broke down. She reported that she spoke to the city engineer about drilling a deeper well, who told her that the property was within 5 miles of the city aquifer and because of that, she would not be able to do so. At this point, she stated that the property owners and residents need a sustainable solution to the problem.

Marge Roff commented that the limitations for that area were stunting development and the choice was whether or not Milton-Freewater would see future economic growth. She admitted that the cost of including the proposed annexation area was astronomical. However, if state and federal funds were obtainable, then the annexation must go forward because there was definitely a problem along Highway 11

Chris Burford added that there were 3 ways the process could be started: by the city, the local health board or by a petition signed by 11 people. Because there was a disproportionate balance of power where there was a health consequence that must be addressed, the petition was circulated and signed by the residents. Some of the territory was already inside the urban growth boundary (UGB). When the process was initiated for the local health authority to determine whether to advance to OHA for further determination, there was already an abundant volume of evidence of a threat to public health to move to the agency that had the expertise to make a determination.

Ferriba Steadman asked whether the property owner had done everything possible before advancing the petition and alleged that of the signers, only two were landowners.

Linda Hall reported that a letter from the Oregon Health Authority dated June 14th stated that the Shaws could do alternates to address the problem. She commented that the position of city engineer was non-existent in Milton-Freewater. In response, Nancy Shaw stated she spoke to Bob Goss.

Cheryl Stevens commented that she was one of the land owners that would cause a gap in the continuity of the annexation since she was opposed to it.

Nancy Shaw added that she was concerned that the city was making the statements that seemed to mean it wasn't interested in protecting the health of the residents in its area. She pointed out that Milton-Freewater was a small town and was now growing. The city would need to look at its infrastructure regardless of the annexation.

Commissioner Givens opened the floor for questions from his colleagues and reminded all that the county was only asked to make a determination of whether to forward the petition to the state agency for investigation.

Commissioner Murdock asked if the UGB was a product of the city or the county. Tamra Mabbott replied that the UGB's were self-determined by the local residents. Tamra Mabbott added that in the early 1980's, the city took the lead to establishment of an UGB.

Commissioner Murdock asked why the city would want to be in an UGB. Tamra Mabbott asked what was included in the petition.

Doug Olsen reported that everything in the UGB was included in the annexation petition. Tamra Mabbott added that, at some point, the city agreed that those properties would be in the UGB. Doug Olsen added that the UGBs were usually intended for future development. Tamra Mabbott reported that the county provided the city an inventory of property eligible for development. The city then explored expansion of the UGB but opted not to do so.

Commissioner Murdock commented that the establishment of an UGB would not necessarily imply intent to annex the property within the UGB. Tamra Mabbott replied that was correct, but that there was intent in some undefined future to extend development in that area. With that, came the understanding that infrastructure was necessary for development. Commissioner Murdock commented that he understood that the city meant that it had no interest in annexing the property at that time.

Commissioner Elfering commented that it seemed that the purpose of the hearing was not to measure support, but to determine whether there was evidence of danger to public health. He

asked for input from Sarah Williams. Sarah Williams reported that the largest concern related to that area, or any water source, was the presence of E. coli which could cause a variety of different infections with the most common being diarrhea. Any of the infections could dangerously affect the medically fragile.

Commissioner Elfering asked if an epidemic was a possibility. Sarah Williams replied that the bacteria levels were what were applied to any contagion. Commissioner Elfering asked if there was an acceptable level of bacteria. Sarah Williams replied that there was definitely, but not sure of the level at the moment.

Commissioner Elfering asked what remedies could be taken to reduce the levels of bacteria. Don Butcher from the Department of Environmental Quality (DEQ) stated that 406 ppm of coliform is the limit and that had been exceeded by wells in the proposed annexation area. The remedies available were to either tie up the systems in the area to the sewer system, or go to septic with a water treatment system or use a land management system.

Commissioner Elfering asked if the existing equipment could manage the level of bacteria. Don Butcher replied that he had not studied that, but with a systemic problem it was ordinarily best to tie in to the local water- sewage treatment plant.

Commissioner Elfering asked if businesses would be required to cease doing business in the circumstance. Doug Olsen replied that would be a state decision. Doug Olsen verified that the petition as presented meet the statutory petition requirements.

Commissioner Murdock commented that much of the discussion had been focused on economic hardship. He felt the proposed resolution should be proportional to the issue, if the real issue was the public health concern.

Cheryl Stevens reported that she had to drill a new well 3 years ago and add 3 1,000 gallon septic tanks to her property.

Ferriba Steadman added that she had not heard any recommendations made to the landlord for solutions to the problem.

Commissioner Givens had one question to propose to the city, were the standards for trailer parks the same as the standards for businesses. Linda Hall replied that in terms of operations, the city had strict development codes in order to be compliant with state requirements.

Commissioner Givens asked if there were any regulatory issues with the businesses in the UGB. Linda Hall replied that the city staff was not able to do door to door investigations to determine if all businesses were compliant.

Commissioner Givens asked if there were any state difficulties and, if so, was a solution presented. Nancy Shaw replied that there were some state discussions and that, in response, she added 600 additional gallons of storage, upgraded the septic and lines and was using periodic sampling.

Commissioner Givens asked if there were any current situations yet to be addressed. Nancy Shaw reported that there were none on the water or sewer systems.

Chris Burford commented that in the packet he provided, there was drinking water data about the testing at the primary subject businesses. He noted when the bacteria exceeded acceptable levels citing the months and years of the occurrences.

Commissioner Givens, with those indicators, asked if the businesses had taken any steps to alleviate the problems. Chris Burford responded that the businesses had taken many steps over the years and the annexation petition is the only option left.

Ferriba Steadman asked Chris Burford if he had documentation of the steps taken to try to alleviate the problem. Commissioner Givens commented that should have been in the packet. Doug Olsen commented that there was some in there.

Commissioner Givens asked for the information on the requirements for sewer and water within UGB as they related to standards. Linda Hall and Lewis Key replied that the developer was to pay for the connection to the water and sewer system.

Commissioner Givens closed the floor to public comment at 12:04 p.m.

Tamra Mabbott asked to clarify that the decision asked of the Board of Commissioners was not to annex the property and that it was simply a first step in a long process. The question was whether the Board agreed with the petitioners that there was a danger to public health. That would open doors for the state agencies to explore the problem and grant opportunities. She commented that county staff would work with the city staff to the extent possible.

Commissioner Givens stated that the question was whether the Board found evidence of a public health hazard. He recognized that cost could be a problem also, but the conflicting standards were obvious. The area was growing. He asked Doug what the options were with just a health issue. Doug Olsen replied that the Board was only asked to determine whether or not there was a public health hazard.

Commissioner Elfering commented that the exhibits were presented and made public. They seemed to have evidence that showed ongoing significant high bacteria counts, which seemed to indicate that there was a public health problem and that was what the Board was asked to determine. Further, the solution was not for the Board to determine.

Commissioner Murdock was not sure he was quite that far, but would be willing to spend some additional time focusing on determining the public health problem rather than the economic impact.

Tamra Mabbott asked if the mobile village would be considered a public drinking water system. Amy Word added that the OHA would affirm or not the status of the village drinking water system.

Commissioner Elfering commented that he would imagine if the county determined there was a problem and the petition went to the OHA then the OHA would determine the remedies. He added that would be where the majority of the conversation should take place.

Commissioner Murdock added that staff had determined there was a public health problem. Doug Olsen Tamra Mabbott and Sarah Williams believed that there was the potential and that there were temporary remedies. Commissioner Elfering commented that E. coli was considered a danger and Sarah Williams added that it presented a health problem.

Commissioner Givens confirmed that the question before the Board was whether there was a health issue.

Deliberation and Decision:

Commissioner Elfering moved that Umatilla County determine there was a danger to public health in the described area. Commissioner Murdock seconded. The motion carried 3-0.

Process:

Doug Olsen reported that staff would prepare an order for the Board's signature, a copy of which would be sent to the OHA along with copies to the petitioners and the city.

Commissioner Givens asked about the process after it reached the OHA. Amy Word added that she could not speak to the process with OHA as she was not familiar with that part of the matter.

Commissioner Givens asked Bernie Duffy for information. Bernie Duffy responded that he was not involved in the process.

Commissioner Givens commented that he hoped that if OHA determined there were other remedies, those would be offered. Amy Word replied that she could not answer that, as mentioned before, she was not familiar with that part of the process.

Chris Burford reported that ORS §222.870-885 and 890, explained the process at OHA.

Doug Olsen reported that the next step for public input would involve a public hearing to be held within the affected area or nearby and set up by OHA.

Other Discussion: None.

Scheduling of Next Meeting: The next meeting will be held August 21, 2013.

ADJOURNMENT

The meeting was adjourned at 12:19 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners