

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Board of Commissioners' Meeting of November 6, 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: Dale Primmer, Umatilla County Community Justice Department Assistant Director; Mark Royal, Umatilla County Community Justice Department Director, Pati Wynn, Umatilla County Community Justice Probation-Parole Officer II; Lisa Close-McGraw, Umatilla County Community Corrections Probation-Parole Program Supervisor; Bonnie Kessell, Umatilla County Community Justice Parole-Probation Officer II, Hermiston; Bob Heffner, Umatilla County Budget Officer; Tom Fellows, Umatilla County Public Works Director; Gina Miller, Umatilla County Code Enforcement Assistant; Phil Wright, East Oregonian Reporter; Tamra Mabbott, Umatilla County Land Use Planning Director; Richard Jennings, Umatilla County Land Use Planning Senior Planner

CALL TO ORDER

The meeting was called to order at 9:02 a.m. Chair Givens reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Employee of the Month: Commissioner Elfering asked Pati Wynn for her report, then read through the resolution awarding her the Employee of the Month designation for the month of November and moved approval of the award. Commissioner Murdock seconded. The motion carried 3-0 with each commissioner, Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of the resolution.

Approval of Minutes: The minutes of Administrative meeting of October 29, 2013; Administrative meeting of October 24, 2013; Board of Commissioners meeting October 2, 2013 and Executive Session of October 22, 2013 were presented for approval. Commissioner Elfering moved approval of the October 29, 2013; October 24, 2013, and October 22, 2013 minutes. Commissioner Murdock seconded and the motion carried 3-0 with Commissioner Murdock, Commissioner Elfering and Commissioner Givens voting in favor of the motion.

Additions to the agenda:

Pendleton trespass authorization

Consent Agenda: None.

Agenda Items:

1. **Supplemental budgets (4) - Public Hearing:** Commissioner Givens opened the public hearing at 9:09 a.m. with Budget Officer Bob Heffner providing the staff reports for each of the four supplemental budgets as related in their subheadings below. After the staff reports, Commissioner Givens opened the floor to public comment at 9:16 a.m. and receiving none closed the floor, also at 9:16 a.m.

a. **Budget Order 2014-14, Fleet Management Plans:** Bob Heffner reported the short history of the two fleet management plans and the subsequent decision of the board to allow funds remaining in the fleet management plans to carry over from the previous fiscal year. The fleet management plans, for the county vehicles and the sheriff's vehicles, were funded by transfers from the wind farm distribution funds. Commissioner Givens asked for the source of funds for the fleet management plan. Bob Heffner explained that the source was wind farm revenue. Commissioner Givens asked for confirmation that those funds were not coming from the general fund. Bob Heffner stated that was correct. **Commissioner Murdock moved adoption of Budget Order 2014-14. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voting in favor.**

b. **Budget Order 2014-15, HHS administration:** Bob Heffner reported that the program was used as a finance conduit for the CAWEM Pre-Natal Expansion program which received funding from the state. Due to legislative changes, the county will no longer be required to fund the state's share of expenditures. In order to prepare HHS administration for closure an increase would be necessary to the program's materials and services line. Commissioner Givens asked if the funds were all state funding or grant funding. Bob Heffner responded that those were characterized as part of the general fund. **Commissioner Elfering moved approval of Budget Order 2014-15. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of adoption of the order.**

c. **Budget Order 2014-16, Fair:** Bob Heffner reported that a \$76,000 increase to the materials and services line was due to higher than projected livestock sales. Commissioner Givens commented that the county fair generated much more than anticipated for the livestock sales. **Commissioner Murdock, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved adoption of Budget Order 2014-16. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock, and Commissioner Givens voting to adopt Budget Order 2014-16.**

d. **Budget Order 2014-17, Communicable Disease:** Bob Heffner reported that communicable disease had a reduction in its grant funding which required a supplemental budget. Commissioner Givens commented that the program received less money from the state to support the program. Commissioner Elfering asked if that was associated with the flu shots. Bob Heffner replied that he did not know, but

thought that it sounded like it would be. **Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved approval of Budget Order 2014-17. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of the motion.**

2. **Authorization to Purchase Grader Blade:** Tom Fellows reported that the request was simply a tool attachment for one of the motor graders. The department had been looking for one for a few years because the new blades would cost around \$10,000. The department found a good used blade which was nearly 20 years old with very little wear for \$6500. Commissioner Givens asked if it would work on the current equipment. Tom Fellows reported that was the original blade specified for the motor grader. **Commissioner Murdock moved to authorize the road department to purchase a grader blade for \$6500. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Murdock, Commissioner Elfering and Commissioner each voting in favor of the motion.**

3. **Building codes discussion:** Tamra Mabbott reported that the department had been working on finding ways to take over the building codes programs currently managed by the state.

County staff had met with two other cities that already had own programs. The staff was aware that the program would require a lot of overhead and the purpose of partnering with the two cities would help to create a benefit in partnering by sharing the costs.

While talking with the cities, staff learned that Umatilla partnered with Boardman. Hermiston was not interested in inspection outside the UGB but were interested in taking on the UGB portion of a prospective county program.

An IGA was being prepared and about the same time the county submitted its letter of intent, Pendleton submitted its application for the electrical program. Pendleton was eager to work with the county to incorporate its program in partnership with the county. With Pendleton, the county would nominally be in charge of the program.

Richard Jennings reported that letters were sent out advising of a meeting to gather public input. The public input meeting was scheduled for November 14th and a press release was to be sent out. The meeting would be held at the justice center. Another meeting was scheduled for December 12th at Stafford Hansell Government Center on December 12th.

Tamra Mabbott reported that the department mailed 780 notices out, to include all contractors, mayors, managers, city planners and chambers. At the public input meetings, staff would provide detailed information.

The department was doing a press release in order to ensure that as many people received the notice as possible. Commissioner Givens asked if there was a copy of the press release. Tamra Mabbott replied that there was none because they had one final edit to make before finalizing it.

Commissioner Givens commented that if the county took on the program alone, it would not be cost effective. Partnering with the cities gave the opportunity to take on the program, but share the costs and bring in

revenue to offset those costs, although it was not intended to be a profit making venture. The goal in taking on the program was to improve efficiency.

The discussion was brought up because the state did not have an effective program and businesses were going elsewhere because of it, rather than siting in Umatilla County. Commissioner Murdock commented that the intent was to expedite the permit process.

Commissioner Given asked Tamra Mabbott to explain the current permit review process. Tamra Mabbott explained that the state had a very small staff in the Pendleton office and no plan review staff which resulted in plans being sent to Salem for review. Because of that it would take 3 to 6 weeks before any decision was returned.

Commissioner Murdock asked how many counties managed their own building code programs. Tamra Mabbott replied that all Oregon counties did, except Umatilla County and a coastal county, possibly, Coos. She continued, stating that if the local jurisdiction assumed the programs, there was a long standing requirement to maintain the employees in the program for a minimum of two years. By developing partnerships with the cities, the numbers would show that program in the black in its first year.

Commissioner Murdock asked if, a grandfathered employee left in the interim, would the new hire be under the county's program. Tamra Mabbott replied that only the specific individual was covered by the grandfathering and any new hires would not be state employees or part of the grandfathered program.

Commissioner Elfering asked if the staff received cooperation from state with respect to their budget numbers for the program. Tamra Mabbott replied that they had and from crunching numbers, it seemed that the program could be in the black within the first six months.

Commissioner Elfering asked if that applied to the requirement to take on the state's program employees at status quo. Tamra Mabbott responded that the majority of state staff would belong to the city.

The county would take the lead on the code enforcement issues. The hope was that by end of the second year in the black, the county would be able to add a half time position to that program. Until then, the work load would stretch the department.

Commissioner Murdock felt it was important to expedite development in county. Tamra Mabbott commented that staff had received positive feedback from the contractor community.

Commissioner Givens asked if since the draft was produced, staff had talked with Hermiston. Doug Olsen reported that once the proposed IGA was drafted, Mike Robinson had reviewed it and the requested changes were made.

Commissioner Givens asked if the agreement was between Umatilla, Hermiston and Pendleton. Tamra Mabbott replied that the draft agreement presented did not include Pendleton because Hermiston had specific needs.

Commissioner Murdock asked if the department was looking for action and, if so, what sort of action. Doug Olsen replied that the draft agreement made the city responsible for urban portion of the UGB area, to pay to the county 25% of the revenue from those areas for a two year period. **Commissioner Murdock moved to adopt the draft IGA with Hermiston for the administration of the building codes program. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voting in favor of the motion to adopt the draft IGA.**

BCC Minutes

11/6/13

Page 4 of 9

4. **Appointments to CCO Advisory Board:** Commissioner Givens reported that the Coordinated Care Organization Advisory Board had been meeting, but the county needed to finalize the appointments of the board members. Commissioner Murdock read through the names of the appointees as shown in the attached order. **Commissioner Murdock moved to adopt Order Number BCC2013-086, in the matter of appointments to the Umatilla County Local Community Advisory Council to Eastern Oregon Coordinated Care Organization. Commissioner Elfering seconded.**

Commissioner Givens asked if the board would also serve as part of mental health committee. Doug Olsen replied that was not likely, because the mental health advisory committee is combining with two other advisory committees.

Commissioner Elfering asked if there were any expirations on the appointments. Doug Olsen replied there were not because the appointments were tied to the occupation or position of the appointees.

Commissioner Murdock directed that staff should send copies of the order to Rod Harwood and GOHBI. **The motion carried 3-0, with Commissioner Murdock, Commissioner Elfering and Commissioner Givens each voting in favor of the motion appointing the members of the CCO Advisory Council.**

5. **BOPTA appointments:** Commissioner Murdock reported that the order was presented for the annual appointment of the Board of Property Tax Appeals. He was to serve as the county commissioner for the board with Commissioner Elfering as the alternate and Ronald Anderson and Terry Carty as the county resident board members. **Commissioner Murdock moved to adopt Order Number BCC2013-087, in the matter of appointment of members to the Board of Property Tax Appeals. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of adopting Order Number BCC2013-087.**

6. **Authorization to purchase ballistic vests:** Commissioner Elfering reported that the probation officers used body armor and that the equipment had a shelf life. The department was requesting to replace 13 vests for \$7065. **Commissioner Elfering moved approval of the purchase. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Givens and Commissioner Murdock voting in favor of the motion.**

7. **Realigning government:** Commissioner Murdock reported that the document that had been discussed for several months relative to county administration was being presented for adoption. The document had been shared with staff, discussed at some length by management and was now brought forward for formal adoption. The realigning government document was the precursor for a strategic plan. Commissioner Murdock attended a workshop for strategic planning and after that workshop incorporated some of the principles from that workshop into the document. **Commissioner Murdock moved to adopt Realigning Government. Commissioner Elfering seconded.**

Commissioner Givens commented that the document had been worked on for several months and had been discussed for a number of years previously. He then read through the programs affected, including Health and Human Services, Safety, Community Justice, Economic Development, Public Works, Assessment and Taxation, Parks/Recreation and Quality of Life, Internal Services, External Services, Education, Facility Management, Stewardship of Resources, Promoting Diversity and Customer Service.

Commissioner Givens referred to the levies having been defeated and expected that would be a reaction to having to do belt tightening in the private sector. People would want to double check until they were sure there was no more funding. He also commented that the general public did not understand the unfunded mandates, those services that were to be provided under statute without funding.

Commissioner Givens asked Bob Heffner if he thought that it was correct to expect that the public did not understand the budget and unfunded mandates. Bob Heffner replied that he was not sure what the general public understood, but that governmental funding was a difficult subject at best.

Commissioner Murdock commented that the public misunderstanding of how funding worked was because the public's viewpoint was directly related to personal interests.

Commissioner Elfering commented that when he was on the school board, he learned how little permission existed to work creatively with the funds received by the school district.

Commissioner Murdock added that most of the thoughts of cutting the budget were to take the funds from those items of little personal interest. Commissioner Murdock stated that the overarching idea of the realignment was to improve efficiency, accountability and transparency and that he felt the document clearly articulated that direction.

The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of adoption.

8. **Human Resources Staff Reclassification:** Doug Olsen reported that the two Human Resources staff members were taking on additional duties and responsibilities and would like to get their position descriptions adjusted and bring their salary ranges into an equitable basis with staff members with similar responsibilities. **Commissioner Murdock moved that the board authorize the reclassification. Commissioner Elfering seconded with discussion.** He wanted some idea of what additional new duties were taken on. Doug Olsen replied that the Human Resources Specialist was providing back up duties for the Board of Commissioners staff and the Human Resources/Payroll Administrator was taking on decision making duties and performing more in the capacity of a lead worker.

Commissioner Murdock commented that when the board determined that there were certain items that were originally authorized by the board that did not seem to be necessary, the signatory duties were returned to staff. Commissioner Givens commented that the executive assistant had some of those signatory duties also and with the end of the position, those also were added to the Human Resources staff's workload. **Commissioner Elfering, Commissioner Givens and Commissioner Murdock voted in favor of the motion to authorize reclassification of the Human Resources staff. The motion carried 3-0.**

9. **Approve payable to Perkins Coie:** Doug Olsen reported that the payable was before the board for the dollar amount on the invoice. The services provided were for the land use appeal and appeals remand to LUBA. LUBA issued its decision affirming that the county was within its authority to adopt the regulations on wind generation facilities.

Commissioner Givens asked if the work was centered around the set-back appeal. Doug Olsen replied that it was specifically related to the 2 mile set back standard. The amount of the payable was \$7,548.75. **Commissioner Elfering moved to approve the payment. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Givens and Commissioner Murdock voting in favor of the motion.**

Commissioner Elfering asked if the appeals process was completed. Doug Olsen replied that there was one portion of adjustment to the set-back clause that was found in violation of the constitution and the county could respond to it, if it wished. Commissioner Givens commented that the board would need to set it for review. Doug Olsen commented that could wait until after the appeal period expired on November 17th.

10. **Pendleton trespass authorization:** The City of Pendleton requested that the board authorize the police to trespass people from the courthouse property because people were loitering on the property after hours. The effect was that the authorization would allow the police department to charge people on the property with criminal activity.

Commissioner Elfering commented that the authorization seemed similar to ordinances related to parks. Doug Olsen commented that it was similar, but specific to the courthouse property. Commissioner Murdock asked if there was any indication that the police department was willing to do all county owned property in Pendleton. Doug Olsen commented that the request was only for the courthouse. Commissioner Givens explained that was because the county had a lot of vandalism around the courthouse.

Commissioner Murdock asked if it would be a problem to expand the authorization to include all county owned property. **Commissioner Murdock moved to authorize Pendleton Police Department to engage in trespass enforcement on all county owned property in Pendleton. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of the motion.**

New Business: None.

Public input: None.

Commissioners' reports:

Commissioner Givens asked Tamra Mabbott to discuss the Milton-Freewater annexation petition issue.

Tamra Mabbott reported that AOC and the DEQ had been working for about six months or so with the on-site septic advisory committee and the legislature passed a couple bills directing AOC and DEQ to study the issue and return with a report at the 2014 legislative session. There were concerns about how on-site septic systems were reviewed since a large percentage of Oregonians were on on-site systems.

Steve Grasty was leading the advisory committee which was considering DEQ's recommendation that the counties do the reviews. Twelve counties did not have on-site review programs, those being mostly in the northeast corner of the state with some on the coast.

The recommendations in the report also suggested some reconsideration for the qualifications for sanitarians

to review pre-construction and post construction systems. Currently, the requirement of 6 semesters of soil science classes was considered rather rigorous and approaching masters level education. Tamra Mabbott felt that the recommendation was another unfunded mandate.

In Umatilla County, the local DEQ had a good relationship with the county and she believed that the county would need some assistance for a couple years if the recommendation was implemented. In anticipation of the possibility, she met with Sarah Williams since the county's environmental health program would be related to the subject.

Tamra Mabbott suggested that perhaps a person assigned to the system inspection program, if it came to pass would be shared between planning and public health. Commissioner Givens commented that the AOC E&E committee was in favor of moving the recommendations forward with AOC, although he was not personally in favor of it due to the unfunded nature of the program proposal as is.

He expected that the area most likely to be affected would be the north county where there were already water quality problems. AOC was supportive of the recommendations without realizing the impacts to the rural counties. They were only looking at environmental and health side of the issue and not looking at the costs to the more rural counties. Commissioner Murdock suggested that Commissioner Elfering would like to convey the information to Scott Fairley and the solutions team.

Tamra Mabbott commented that she wanted to be clear that she was not inviting such a program, but felt that the board needed to be aware. The program in place currently worked well in northeast Oregon. Commissioner Givens commented that the recommendations would be a point of discussion with EORCO with which Steve McClure was working on re-doing the by-laws.

Commissioner Elfering: The commissioner reported that he met with retired Commissioner Doherty in Hermiston regarding his involvement with respect to the chairman's position on the Umatilla Basin Water Commission (UBWC) and EOTEC. Mr. Doherty reported that UBWC was expected to be wrapped up by February 28, 2014. JR Cook was to assist in closing the operation. Mr. Doherty was looking to end his duties with EOTEC soon and requested that he be permitted to continue his cellular service to February 28th. Commissioner Elfering agreed as, he noted. Mr Doherty had been spending about 4 hours per day on the commission work, utilizing the phone.

EOTEC was moving into a different stage with an onsite program manager. Commissioner Givens commented he had been at Stafford Hansell Government Center and met with the new secretary for EOTEC the previous day to discuss the transitioning difficulties. The development team was planning to purchase 8 file cabinets to store all the information for EOTEC with the aim to create one point of contact for all EOTEC matters. John Frew was expected to be on site Monday and a second person was to move to the Hermiston area to act as a full time staff member until project completion and probably through the transition to the new facility.

Commissioner Elfering mentioned that EOTEC wanted to move all work through the facility rented from the county and that Mr. Doherty did not want to move to the new facility.

Commissioner Elfering reported that the public safety levies did not pass and, as a result, the crimes committee would reactivate to study some possible solutions. There were several options available. However, the evening's meeting was cancelled and the committee was to meet within a couple weeks.

BCC Minutes

11/6/13

Page 8 of 9

Commissioner Murdock commented that when people vote down public safety, job generation and fire protection measures in the same election, it made for a complicated conversation.

Commissioner Elfering reported that he received an e-mail from a constituent in Milton-Freewater that the patrol levy was on the ballot for city residents. Commissioner Givens commented that the constituent could have been one of those on the outskirts of city where although most of the city services did not go out past the limits, and the power utility did go out beyond the city limits. So, technically, the constituent might have been in the county area.

Commissioner Murdock: The commissioner reported that at Rotary, Steve Chrisman talked mostly about the airport relative to updating it for business travelers. Commissioner Murdock thought it could be mentioned to Hulette Johnson that he might want to partner with the City in terms of the renovation, such as things added to promote economic development and tourism in the region. He observed that the Pendleton airport was the only commercial airport in the county and that thousands of travelers go through it each year.

Commissioner Givens was interested in learning how the screening process was handled with the Seaport to Portland connection and how it affected travel numbers through the airport. Commissioner Murdock commented that he was very impressed from his latest trip from Pendleton to the Red Lion in Salem in expediency.

Commissioner Elfering commented that he would like to see more residents from the west end using Pendleton instead of Pasco. He noted that people from La Grande and other residents in the area tended to use Pendleton. Commissioner Givens noted that many on the eastern portion tend to use Boise's airport. Commissioner Elfering noted the cost was significantly higher to fly out of Pendleton than to fly out of Portland. Many drive to Portland, spend the night, have a meal out and still save money. Commissioner Givens explained that he used Walla Walla's airport because it was so close to his home.

Commissioner Givens: The commissioner reported that he was leaving to go to the Community Council Full Circle Celebration after the meeting and Commissioner Murdock was to go to the Milton-Freewater Chamber meeting. Commissioner Givens would then go to the MPO meeting and Commissioner Murdock to the mental health meeting.

Scheduling of Next Meeting: The next meeting will be held November 25, 2013.

ADJOURNMENT

The meeting was adjourned at 10:29 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners
BCC Minutes
11/6/13
Page 9 of 9