

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Board of Commissioners' Meeting of December 4, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

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

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Tim Guild, Constituent; Jack Esp, Constituent; Bob Heffner, Umatilla County Budget Officer; Janet Nagy, Greater Hermiston Area Tea Party; Rob Lovett, Greater Hermiston Area Tea Party; Jim Leitch, Greater Hermiston Area Tea Party; Eli Stephens, Pendleton Tea Party Chairman; Kacey Ward, Umatilla County Law Enforcement Department; Dave Williamson, Umatilla County Law Enforcement Department Sargent; Phil Wright, East Oregonian Reporter

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CALL TO ORDER

The meeting was called to order at 9:07 a.m. Chair Givens reminded all present that the meeting is a public forum.

BUSINESS ON AGENDA

Employee of the Month: Commissioner Elfering read the resolution naming Kacey Ward the Umatilla County Employee of the Month for December 2013 and, after presenting the gift certificate, moved approval of the resolution. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voting in favor of the motion.

Certificate of Commendation: Commissioner Elfering read the commendation honoring Sergeant Dave Williamson for his exemplary work in the Key, Carter and other cases and moved approval of the commendation. Commissioner Murdock seconded. The motion carried 3 to 0, with Commissioner Elfering, Commissioner Murdock and Commissioner Givens all voting in favor of the motion.

Approval of Minutes: The minutes of the Board of Commissioners meetings of August 21, and September 18, 2013; the Joint Board of Commissioners, Fair Board and Farm City Pro Rodeo Board of October 21, 2013; and Administrative meeting of November 13, 2013 were presented for

approval. **Commissioner Elfering moved approval of the minutes of August 21, September 18, October 21 and November 13, 2013. Commissioner Murdock seconded. The motion carried 3 to 0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of the motion.**

Additions to the agenda: None.

Public Input:

1. **Jack Esp:** Jack Esp asked if public comment would be taken during the budget hearings. He was assured that it would be taken as part of the public hearing process by Bob Heffner.

2. **Tim Guild:** Tim Guild wished to register a complaint regarding the granting of an easement between Martin Schilling and Hancock Lumber. Mr. Guild stated that it seemed that Mr. Schilling believed he owned the property where the easement was granted. Mr. Guild claimed that the property was owned by Schilling in a transfer from the community for a specific period of time. That period of time expired and afterward Mr. Schilling granted the easement, representing that he owned the property, and received payment from Hancock Lumber. Mr. Guild claimed Mr. Schilling knowingly deceived Hancock Lumber and the property owners. He stated he did not know what to do with regard to the matter and commended Hancock Lumber on their courtesy to the landowners.

Doug Olsen asked if the easement was on Cold Springs Loop, which is a public road. Tim Gile responded that the easement was on Cold Springs Loop but claimed that the easement was invalid.

Commissioner Elfering asked Tim Guild what he wanted by presenting the complaint. Tim Gile stated that his protest was formal and that he wanted to register a formal protest.

Commissioner Givens commented that Cold Springs Loop was a public road and asked where the easement started and ended. Tim Guild reported that it was 50 feet on the private property. Commissioner Givens asked who the landowner was, if not Mr. Schilling. Tim Guild replied that the owner was the grantor in the purchase of the property for \$1500. Commissioner Givens commented that the county did not have any authority over private land. Tim Guild claimed that the property was not private. Commissioner Givens replied that the county can register the protest, but it could not take any action.

Commissioner Elfering asked if a conveyance of an easement the property owner retained ownership. Doug Olsen agreed that it would. Commissioner Elfering commented that any result desired would be a civil matter.

Commissioner Murdock proposed a motion to refer the matter to legal counsel. Commissioner Givens replied that the referral would not need a motion, just direction, and suggested that Mr. Guild retain counsel to pursue a civil matter to resolve the issue.

Consent Agenda: None.

Agenda Items:

1. **Supplemental budgets (3) – Public Hearing:** Commissioner Givens opened the public hearing at 9:25 a.m. and stated that there would be a point in time in the hearing for the public comment. Bob Heffner presented the staff reports as related below for each supplemental budget. After the commissioners took their opportunity to ask questions regarding the supplemental budgets, Commissioner Givens opened the floor to public comment at 9:29 a.m. Jack Esp commented that he could find only Budget Orders 2014-18 through 21 on the county's website. Commissioner Givens asked the budget officer to explain why supplemental budgets were necessary in general. Bob Heffner explained that they were utilized so that the county could maintain a clean audit. Otherwise, if no adjustments were made, the county would be written up for exceeding its expenditures. Commissioner Givens commented that the budget was fluid and the county must account for those changes. The floor was closed to public comment at 9:33 a.m.

a. **Corrections Assessment, Budget Order 2014-22:** Bob Heffner reported that the program's transfers out were higher than projected, requiring transfers from the General Fund to Community Corrections and Human Services.

Commissioner Givens asked if the funds were grants from the General Fund. Bob Heffner replied that they were not, they were from the state.

Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.473 for the fiscal year ending June 30, 2014, moved approval of Budget Order 2014-22. Commissioner Murdock seconded. Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voted in favor of the motion, which carried 3 to 0.

b. **Maternal Child Health, Budget Order 2014-23:** Bob Heffner stated that an increase in the cost of vaccines and a lower than expected donation of vaccines resulted in the requirement to enact a supplemental budget, although the vaccine costs were actually lower where the supply costs increased.

Commissioner Elfering asked if the decrease in vaccines donated was a result of the donation of most or all the vaccines uses. Bob Heffner replied that there were a number of vaccine donations that decreased significantly.

Commissioner Givens asked if, though the donations were less than projected, there would be an impact on the General Fund. Bob Heffner explained that there would be no cash impact and that the action taken would be a journal entry, not affecting the General Fund.

Commissioner Murdock moved adoption of Budget Order 2014-23. Commissioner Elfering seconded. Commissioner Elfering, Commissioner Murdock and Commissioner Givens all voted in favor and the motion carried 3 to 0.

c. **Geographical Information Services, Budget Order 2014-24:** Bob Heffner reported that the addition of staff to the program, which would be paid from 9-1-1 Dispatch resulted in the necessity for a supplemental budget.

Commissioner Givens asked if the funding came from other agencies. Bob Heffner replied that the funds were in the form of reimbursement from the state for program costs.

Commissioner Murdock moved adoption of Budget Order 2014-24. Commissioner Elfering seconded. The motion carried 3 to 0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voting in favor.

2. **Budget transfer:** Bob Heffner reported that the transfer was part of the adjustments to be made for the part time maintenance staff position the Board authorized for the remainder of the fiscal year. The funds were to be taken from the General Fund contingency.

Commissioner Elfering asked if the staff was to place personnel in Hermiston. Dan Lonai responded that it was for a staff member out at the jail and to help complete special projects.

Commissioner Givens asked if the special projects would have something to do with the roof. Dan Lonai replied that the roofs were all in good shape, having recently been replaced. There was a spot of concern above the District Attorney's office at the courthouse, but he did not have the information on the resolution of that concern and expected that it should be covered by the warranty since the roof was not that old.

Commissioner Murdock moved for the adoption of Budget Order 2014-25. Commissioner Elfering seconded and Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voted in favor of the motion which carried 3 to 0.

3. **Change date of 1st BCC meeting of 2014:** The first mandated Board of Commissioners meeting of 2014 would fall on New Year's Day. **Commissioner Elfering suggested that the meeting should be moved to January 2, 2014 and moved approval. Commissioner Murdock seconded. The motion carried 3 to 0 with Commissioner Murdock, Commissioner Elfering and Commissioner Givens all voting in favor of the motion.**

4. **Appointment to Fair Board:** Commissioner Givens commented that the appointment was actually a reappointment to the fair board. Doug Olsen reported that Gay Newman would be appointed to a second term as he was eligible and willing to serve for another term.

Commissioner Elfering moved appointment of Gay Newman to the fair board effective January 1, 2014 for a three year term.

Commissioner Murdock seconded with a question. He asked if a letter of appreciation was sent with the appointment for those being reappointed, especially since the fair board members expended so much time and effort in their positions. Commissioner Elfering agreed that it would be good to do so.

Commissioner Elfering, Commissioner Murdock and Commissioner Givens all voted in favor of the motion, which carried 3 to 0.

5. **Retroactive reimbursement:** Commissioner Elfering reported that the request pertained to supplies for an annual event in Milton-Freewater where the Economic Development Department purchased the wine. There were two items up for approval.

Commissioner Elfering moved approval of the retroactive waiver of Policy 3.4, iii, 3 and reimbursement of expenses incurred by Economic Development in the pursuit of business promotion for Umatilla County businesses. Commissioner Murdock seconded. Commissioner Murdock, Commissioner Elfering and Commissioner Givens each voted in favor of the motion. The motion carried 3 to 0.

Hulette Johnson reported that there were four events during year that the county promoted, including the tourism committee who represented the county around the state. The first event was the AOC conference with all 36 counties' commissioners. Then there were the 1st citizens' banquets in Hermiston, Milton-Freewater and Pendleton.

Recently, the economic times were not the best for local businesses and what was originally donated developed into the need to purchase local products at the businesses costs or just below cost. The job of the economic development department was to promote and stabilize businesses, which it had been doing using mostly donated products in the past. As mentioned before, due to the economic downturn, anything promoted as a gift or tasting product was now purchased at or just below cost, including items promoted at state fair where a specific location was necessary for the adult beverages.

Hulette Johnson explained that Umatilla County was in the unique position of having AVA lands strikingly similar to those in France. An example would be Echo's reds, which were excellent, although their whites were not particularly stellar. These wines and the county were featured in tourism brochures.

Commissioner Elfering asked if the funds that came from economic development, tourism and travel were general fund sourced. Hulette Johnson replied that there were no general funds used in the department, that all funds were sourced from state lottery funds to which the department reported each year, and that those funds were specifically identified for the promotion of local business.

Commissioner Givens commented that he received a call from the Gallup Poll at home because he was the chair. The pollsters wanted to know how much he was aware of the lottery funds and what

they promoted, which caused him to note that the state was being proactive in determining the effect of the funds on the counties.

Hulette Johnson commented that he reported to BusinessOregon, which was the Oregon Business Development Department and he emphasized that that department also used very little from the state general fund.

Commissioner Givens called for a vote again on the motion to approve the request for retroactive reimbursement with Commissioner Givens, Commissioner Elfering and Commissioner Murdock all voting in favor of the motion, which carried 3 to 0.

6. **Budget Committee Appointment: Commissioner Murdock moved to adopt Order Number BCC2013-092, replacing Scott Sager, who was not eligible for reappointment, with Bob Reese for a three year term beginning January 1, 2014. Commissioner Elfering seconded. Commissioner Murdock, Commissioner Elfering and Commissioner Givens each voted in favor of the motion, which carried 3 to 0.**

7. **E-recording for clerk's office:** Dan Lonai reported that modernization was being done in the records office. While doing that, staff began looking at the ability to receive documents digitally. He met with Commissioner Elfering, where they discussed concerns related to the digital conversion, so Dan Lonai would explain the process.

The county clerk currently only accepted original documents that must be hand carried or mailed in. Those documents were then recorded and imaged with a recording label affixed. Digital copies of the recorded documents were sent out to the county's microfilm facility and within three days the clerk's office was required to return the original documents to the sender.

Dan Lonai noted that digital images were not archive-able because the records must be kept forever and the platforms for current technology were changing so rapidly that accessibility to stored records in electronic format could not be guaranteed for the future. The documents, however, could be microfilmed because microfilm was considered permanent.

Since the 1960's, documents had been kept on microfilm as well as having a paper copy available. The e-recording provider, Simplifile, was already working with 14 counties throughout the state. The proposed contract with Simplifile stated that there was no charge to the county to use the service because the company's fees are charged to the user wishing to record documents, which also establishes the legal liability for verification of the documents to the user.

Jackson County was to go to e-recording some time ago, but the proposal was challenged in court and the court determined that the objections were substantiated. Legislation had since been crafted to address the concerns.

Washington County and Union County were currently using e-recording and their process was that the title company would send the document to Simplifile and notify the county that a document was waiting at the website.

All documents were encrypted which the county accessed to review the documents and verify whether they were correct. If the documents were incorrect, it was rejected and the reason why sent through Simplifile. The document could then be corrected and once the document was determined to meet the necessary specifications, the county would assign a recording number which was digitally applied as a label to the document. Both the county and title company would receive those at the same time.

The funds for the document action would be transferred electronically. Simplifile was required to maintain an escrow account sufficient to cover fee funds due to the county.

The current process through the mail, back and forth for correction until the corrected document was finally recorded and the original finally returned could take weeks and considerable postage costs. Commissioner Givens asked how much time it would save the consumer. Dan Lonai replied that the title company could have the document signed the day before and receive a recording number. Normally that could take up to 5 to 7 days for the recording number to be received by the institution. With e-recording the institution could have the number back within 24 to 48 hours. Commissioner Givens commented that it could cut two weeks out of the process to have documents e-recorded.

Commissioner Elfering commented that society seemed to embrace the digital revolution as an efficient way to do business and asked if there were other documents than deeds that could be transmitted for filing using the program. Dan Lonai replied that liens could be included, but that military discharge records were required to be done in the old manner because there was no protocol developed yet addressing them.

Commissioner Elfering asked if there were an equipment cost. Dan Lonai explained that there would be not a cost for the county. Dan Lonai added that the county would not be locked into an agreement with Simplifile and could contract with another provider since there was no equipment needed.

Commissioner Givens asked about the security status. Dan Lonai replied that the secure link had 128 bit encryption which would take hundreds of years to crack even if the hacker had the necessary software.

Commissioner Elfering asked if the documents would not be available online. Dan Lonai replied that was not likely and that the only county having recorded documents online may be Deschutes, but that because of legal challenges, most counties stayed away from offering online access to recorded documents.

Commissioner Elfering asked if there was a provision in the agreement if difficulty occurred in the transmission of documents and what all other users were doing in that case. Dan Lonai replied that mainly if the county's internet went down or there was a complete crash of system, the county mainly needed to notify Simplifile and the local title companies and Simplifile would notify all the clients.

Commissioner Elfering asked what were acceptable document types and the provisions for those. Dan Lonai explained that the recorders' office had 122 document types that were currently acceptable, mainly deeds and liens, and that the filing requirements were set in ORS for those items. For example, there must be a cover sheet for non-standard documents.

Commissioner Givens asked if the county would have a back-up file for the e-filed documents. Dan Lonai explained that the county's servers were backed up daily and then the documents were sent out to an offsite storage facility.

Jim Leach from Hermiston asked what kind of exposure the county had regarding the NSA and IRS, and how to secure documents from unwarranted searches. Doug Olsen explained that anything the county received electronically would be public record. Commissioner Givens clarified that meant that anyone could review it. Doug Olsen confirmed that clarification.

Dan Lonai further clarified that everything was public record except the DD214s which were kept locked up. A person had to come in to request a record or, over the phone, there was an extra charge for a research fee to be paid in advance. Obtaining copies of records was not an easy process.

Eli Stephens asked for clarification as to why the proposal was at a meeting if a cost was not involved and why approval was needed. Dan Lonai explained that the proposal needed a contract to be implemented which required board approval.. Eli Stephens commented that the contract process seemed to be overkill and that it would seem that it could be a bit more informal. Eli Stephens liked the idea of the e-filing process to cut down on time. Dan Lonai commented that different states had different recording laws and that some still did not allow e-filing.

Commissioner Murdock was supportive of the proposal and commented that he and Dan Lonai had been discussing the concept for a couple months.

Commissioner Murdock moved to approve the contract with Simplifile for e-recording for the records office. Commissioner Elfering seconded. Commissioner Elfering, Commissioner Murdock and Commissioner Givens each voted in favor of the motion which carried 3-0.

New Business: None.

Jack Esp expressed his thanks for the Board having addressed what the budget orders affect in the budget hearings.

Commissioners reports:

Bill Elfering: The commissioner thanked the general public for attending the meeting and noted that the Board meetings did not have a full room much of the time. He noted that he had a busy day ahead and would be attending Farm Fair particularly where the presentations applied to irrigation issues. On Friday, he planned to be touring the west end with JR Cook on the recharge project which had implications to the Depot since it was coming out of military use and into public

use. In the following week, he would participating in the Echo Community Benefit Plan Board meeting as they review applications related to the wind farm funds.

George Murdock: The commissioner congratulated Commissioner Givens on his election to 2nd Vice President of the Association of Oregon Counties.

Commissioner Murdock commented that the county extension office was one of his areas and that one of the things related to the farm fair that had not been touched on would be the need for and impact of extension on agriculture in the county.

The commissioner noted that in an effort to be more efficient or more effective, the utilization of technology in Assessment and Taxation was to be instituted and that the plan was to work with the modification of staffing levels by attrition and to allow assessors more time in field.

He also reported that he was meeting with the hospitals and other providers regarding crisis response with mental health and substance abuse issue driven responses. That meant working through some issues with Carolyn Mason and Lifeways.

Larry Givens: The chair commented that the office was trying to schedule a meeting of most of the commissioners with the forest service on the Blue Mountain Forest Plan which was to be announced on January 23rd.

Commissioner Givens was to meet with the chamber in Milton-Freewater regarding the annexation for their regular meeting at lunchtime and noted that the county and city were not working as conveners for a solutions team and that the point of contact for that was Scott Fairley.

As for scheduling, Commissioner Givens reported that he would be chairing the NEACT meeting in La Grande on Thursday which was to hear a report from Omega Morgan regarding the megaload transit through the state.

The commissioner had a late update on the MPO to discuss funding for the MPO planning process at a meeting scheduled in the afternoon. He provided a brief explanation of the MPO concept for the members of the public who might be unfamiliar with the organization.

Commissioner Givens also reported that the Local Officials Advisory Council for the Land Conservation and Development Commission was discussing bringing proposals into the next legislative session to make land use laws a bit more flexible.

He added that he would be attending AOC meetings on the following Monday.

Scheduling of Next Meeting: The next meeting will be held December 18, 2013.

ADJOURNMENT

The meeting was adjourned at 10:31 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners