

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of May 7, 2014  
9:00 a.m., Rm 130, Umatilla County Courthouse  
Pendleton, Oregon

\*\*\*\*\*

**Commissioners Present:** Bill Elfering, Chair; George Murdock, Vice-Chair; and Larry Givens, Commissioner

**County Counsel:** Doug Olsen

**Members and Guests Present:** Bob Heffner, Director of Budget; Tamra Mabbott, Director of Planning; Dan Lonai, Director of Administrative Services; Gina Miller, Code Enforcement Coordinator; Phil Wright, East Oregonian Reporter

\*\*\*\*\*

**CALL TO ORDER**

The meeting was called to order at 9:03 a.m. Commissioner Bill Elfering reminded all present that the meeting was a public forum.

**Pledge of Allegiance.** Those in the room stood, saluted the flag and recited the Pledge of Allegiance.

**Awards/Recognitions**

Commissioner Givens read a letter from Andrea Hall, President of the Oregon Code Enforcement Association recognizing Gina Miller as successfully accomplishing the highest level of code enforcement training offered. In addition, he presented a certificate providing Gina Miller the designation of Certified Code Enforcement Professional. He went on to announce Gina Miller’s exemplary work as Code Enforcement Officer in the County Planning Department, noting the large number of hours of training (120 credit hours), commitment and continuing education. Gina was presented with the Certified Code Enforcement Professional award and Certificate in recognition of achieving the highest certification Level III for Code Enforcement Officers in the State of Oregon – one of only 32 people statewide.

**Employee Of The Month:** Commissioner Elfering read a resolution honoring Lisa Close-McGraw of Community Justice Department for her skill, hard work and commitment to Umatilla County since January of 1990, now a Parole and Probation Officer III.

**Commissioner Givens moved to adopt the Employee Of The Month Resolution; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

**Minutes** – BCC staff meeting minutes of 4/29/14 had been presented. **Commissioner Givens moved to approve; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

**Additions to Agenda.** No additions.

**Recognition of Visitors** – Phil Wright from the East Oregonian was in attendance.

**Presentations to the Board**

1. **Jail Inmates Health Insurance.** Commissioner Elfering invited Undersheriff Jim Littlefield and Jail Commander Lt. Stewart Harp to the podium. Commissioner Elfering noted a House Bill was pushed through about providing benefits while incarcerated -- this will be effective on 1/1/15 that incarcerated people will use their own medical insurance or, if not insured, they could be enrolled for medical insurance. Undersheriff Littlefield noted the first thing to do is interpret state law, then to interpret the Bill under our County laws re: medical insurance. This could be potential for big or small budget savings; it is not known at this time.

Lt. Stewart Harp, Jail Commander distributed information to the Board. Commissioner Elfering asked about present dollars – Lt. Harp noted about \$700,000+ (in-house medical and outside medical). They are actively enrolling about 20 people now. They are looking to streamline the process of signing up those in custody and hopefully looking to provide preventative health care for long-term benefits to individuals and minimizing the county’s risk/liability. Lt. Harp noted the biggest savings under the House Bill is for big medical treatment/care expenses.

Commissioner Murdock talked about coordination between the jail and community corrections (when inmates are released) so that health care will hopefully be focused on other than emergency care, which can be very expensive. Commissioner Givens mentioned the desire to get jail inmates qualified for health coverage and directing services to where they belong.

Lt. Harp will report back to the Board of Commissioners after attending the meeting in June regarding jail inmates and health insurance.

### **Business Items**

1. **Reschedule May 21 Board of Commissioners meeting.** The next Board of Commissioners meeting needs to be changed due to the Western Interstate Regional NACO (National Association of Counties) meeting coinciding.

**Commissioner Givens moved to reschedule the May 21 Board of Commissioners meeting to Monday, May 19; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

2. **Supplemental Budgets** – Chair Elfering gave a reminder that this will be a public hearing, and opened the public hearing. Bob Heffner, County Budget Officer, presented the resolutions required for Budget Orders pursuant to ORS 294.473 for fiscal year ending 06/30/14, as follows:
  - a. **Budget Order 2014-52** – for Great Start Program, requiring a \$50,000 increase in its Materials and Services appropriations for an increase in its state grant (not known at the time of budget preparation).
  - b. **Budget Order 2014-53** is for 911 dispatch, requiring \$102,838 increase in Capital Outlay appropriates for the purchase of two units each containing three workstations (a condition not known at the time of budget preparation). The increase will be provided by reimbursement from the Capital Improvement Fund held by the City of Pendleton.
  - c. **Budget Order 2014-54** is for Communicable Disease Emergency Response grant, requiring a \$6,057 increase in its Materials and Services appropriations (not known at the time of budget preparation).
  - d. **Budget Order 2014-55 - Milton-Freewater Facility Improvement and River Road Wayside Property** is to begin process of funding a new building in the Milton-Freewater area to consolidate its several service areas (a condition not known at the

time of budget preparation); for a \$24,859 increase in M-F Facility Improvements program Capital Outlay appropriations needed to begin process; support for the appropriation increase will be by a transfer of resources from River Road Wayside Property program and an interest in interest revenue; the River Road Wayside Property program will require a \$24,759 increase in its Materials and Services appropriations to meet the need of the M-F Facility Improvements program; and the River Road Wayside Property program will support the appropriations increase with a transfer of appropriations from its Capital outlay category.

- e. Budget Order 2014-56 for 2050 Plan to assist the Umatilla Water Basin Commission in its dissolution (a condition not known at the time of budget preparation), requiring an \$11,332 increase in its Materials and Services appropriations; the increase in appropriations will be supported by reimbursement from the Commission.

End of staff report for 5 supplemental budgets. Commissioner Givens noted, regarding the Milton-Freewater Order, there is not a building location at this time.

There were no other questions. Chair Elfering closed the public hearing.

**Commissioner Murdock moved for adoption of Budget Order 2014-52; seconded by Commissioner Givens. All voted aye. Carried 3-0.**

**Commissioner Givens moved for adoption of Budget Order 2014-53; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

**Commissioner Murdock moved for adoption of Budget Order 2014-54; seconded by Commissioner Givens. All voted aye. Carried 3-0.**

**Commissioner Givens moved for adoption of Budget Order 2014-55; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

**Commissioner Murdock moved for adoption of Budget Order 2014-56; seconded by Commissioner Givens. All voted aye. Carried 3-0.**

The Board thanked Bob Heffner for his presentation of supplemental budgets.

3. **Ratification regarding Comments to ODOE on PASC for Perennial Wind Chaser Station.** Staff report was made by Tamra Mabbott, Planning Director. The state reviews facility siting applications and they appointed the Board of County Commissioners as the local government advisory committee to make comments to ODOE. Tamra presented a hand-out to the Board, including a memorandum to ODOE (Oregon Department of Energy) and table outlining the County's comments on the Preliminary Application for Site Certificate for the Perennial Wind Chaser Station. The deadline for submission of comments was May 5, 2014 and staff made a recommendation of minor comments. To clarify, "Wind Chaser" is a natural gas combustion turbine which provides power to the grid (500 to 600 megawatts to be produced), located near Hermiston off of Westland Road. This will be a substantial investment – a several hundred million-dollar project. In response to Commissioner Elfering's question if there are any significant comments, Tamra noted nothing major. Doug Olsen noted this is not the first time for the county to provide comments and Tamra noted

there may be additional items to comment on in the future. They want to start construction in late 2015 and still need to go through the public hearing process. She feels the site selection is good.

There were no other questions.

**Commissioner Givens moved to approve/ratify the letter of comments sent by our Planning Department on 5/5/14 to ODOE/Energy Facility Siting; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

4. **ODOT Aggregate Sites Applications.** Tamra Mabbott provided staff report. In 2007, ODOT paid funds totaling \$35,625 to the Planning Department, in advance of 15 Goal 5 aggregate applications. The applications were never submitted and there were other complicating factors. Presently (7 years later), ODOT would like to move forward with the applications and use the previously submitted monies to pay towards 10 sites. It is proposed to honor the previous deposit made – the fee schedule has changed in the meantime. The Planning Department will be processing these sites applications. It is proposed that applications be paid at current rate, but to acknowledge the previous deposit. By using less applications at an increased rate, it will be about the same amount of money. The fund of over \$36,000 can be used like a retainer to be spent down. Commissioner Givens asked what would Tamra prefer? They could use the difference in fees for legal notices (which are very expensive), and other required expenses. Discussion included the budget and process for covering fees.

**Commissioner Givens moved to authorize staff to move forward with the aggregate applications and, in case of extra funding from ODOT (due to reductions of their applications), if there are any additional fees, they go toward offsetting legal notices – if not covered; further, that staff is authorized to invoice ODOT for any extra fees owed; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

5. **Promotion to Fill Vacancy.** Dan Lonai, Director of Administrative Services, provided staff report. Jean Hemphill, Chief Records Officer, submitted her resignation. He recommends promoting Steve Churchill, Records Specialist, to the Chief Records Officer along with the salary to go with that position, effective June 1, 2014. Steve has been acting in the capacity for the last year while Jean Hemphill has been out. Over the last year, Steve has proven he can handle managing the office in the absence of the manager. The promotion would leave the Records Specialist position open. Dan would like to move Mary Olsen, currently the part-time Records Clerk, to the full-time Records Specialist position, effective July 1, 2014.

**Commissioner Murdock moved to approve the promotion to fill vacancy as outlined; seconded by Commissioner Givens. Discussion: Commissioner Murdock noted many compliments about the records department and hard work of the staff. Commissioner Givens noted how well staff handled the recent flooding and issues -- staff has been working very well. The Commissioners expressed appreciation to the Records Office staff working through recent difficulties. All voted aye. Carried 3-0.**

6. **Radio and Data District Reimbursement.** Dan Lonai, Computer Information Services, provided staff report. The Umatilla/Morrow Radio and Data District paid in advance for IT services provided by the county. The county employee who was contracted for IT services was hired by the Radio District – so the contract is no longer needed. Since the district paid in advance for IT services, they have overpaid the county \$6,642 for services not received.

**Commissioner Givens moved to approve a refund in the amount of \$6,642 to be paid to the Radio Data District using line item 5322-57900; seconded by Commissioner Murdock. All voted aye. Carried 3-0.**

7. **Revision to Personnel Policy 4.6 (Insurance).** Doug Olsen, County Counsel, gave a report. With the change in the Affordable Care Act, the waiting period for employee insurance coverage cannot exceed 90 days. Personnel Policy 4.6 currently has eligibility on the first of the month following 3 full months of continuous service. This period could exceed the 90-day limit. The proposal is to change to 60 days following the first of the month, which will fall within the statutory limits.

**Commissioner Murdock moved to approve the revision to Umatilla County Personnel Policy 4.6; seconded by Commissioner Givens. All voted aye. Carried 3-0.**

8. **Appointment of Public Health Administrator.** Commissioner Murdock reported that Sarah Williams has submitted her resignation, unfortunately. With her resignation, there is a vacancy in the Public Health Director, which acts as the Umatilla County Public Health Administrator. During the pendency of the vacancy, an interim director will need to be appointed to fulfill the statutory duties of the Public Health Administrator. In addition, Commissioner Murdock noted posting has been made; in the interim, he is willing to act as the Public Health Director. He noted that Sharon Waldern and Judy Jenner have taken additional responsibilities since it might be 1 to 2 months before someone is hired full-time and he wants to move forward ASAP to get a person hired. Interviews will be scheduled soon.

**Commissioner Givens moved to appoint Commissioner George Murdock as acting Interim Umatilla County Public Health Director and acting Public Health Administrator; seconded by Commissioner Murdock. All voted aye. Carried.**

## **9. Commissioner Reports**

**Umatilla County Mission Statement.** Commissioner Murdock would like to make the County's mission statement more concise. The County's strategic plan states: the mission is to serve the citizens of Umatilla County efficiently and effectively. The suggestion is to make the statement easier to remember; Commissioner Elfering and Commissioner Givens agrees with the idea. No action required. We will move forward and make the change to the mission statement where needed.

**Building Codes hearing.** Commissioner Givens asked Tamra Mabbott to make a staff report. She provided background/history: Since last summer, she and Richard Jennings (Senior Planner) have worked very hard and attended many meetings to move this forward; they submitted applications (three times since 2002). The County would work with the Cities of Pendleton and Hermiston to take over building codes inspection program from the State. Funds must go back into the program. In November,

2013, the state initially approved the application. Then, on 3/31/14 (the deadline), the state tentatively denied the application and noted the County would be required to take over the inspectors, which would in effect close the office in Pendleton at the State office building.

There have been meetings and public hearings in the last few weeks – biggest hearing was held earlier this week. Tamra felt the contractors at the hearing like the program as it works now – she is not so sure we can staff up and be ready to start the program by July 1. If the system is not broken, it doesn't need to be fixed. She wanted to present this issue to the Board of Commissioners at a public meeting with Board direction and a decision as to moving forward or withdrawing the application. The feeling is the state was not working for our benefit. Commissioner Givens echoed Tamra's concerns; the state has not been cooperative. He agrees it will be nearly impossible to be ready to start July 1<sup>st</sup>.

Commissioner Murdock noted letters to the state have been basically unanswered. He felt the delay may be by design. Taking an objective view of hearing testimony, it was his feeling that compelling evidence was there is no reason for the county to rush into taking of the building codes program by July 1.

Commissioner Elfering noted the reason we (the county) started this process was there is a need for the program – but if contractors do not feel it would be better to move it to county administration, then it should stay at the state level where it is now.

Tamra reported she felt by far there were no complaints about inspectors and staff here. Plan review time has improved, but it is still time-consuming for the state to do this in Salem. Plan review at the county level would probably be more efficient, but that is not how it works. Tamra felt it would be good to encourage the state to streamline plan review – maybe putting on a plan review person in Pendleton along with the inspectors. Delays cause major problems in several aspects. She also noted difficulties and confusion of state staff (inspectors) dealing with the question are they going to be state employees? County employees? City employees? For the record: the county does not want our actions to result in harm for Reservation property – state building inspectors contract their services with the CTUIR.

Regarding specialty inspections, Tamra said the state would continue to provide specialty inspections (elevators, carnival rides, and some pre-fab structures). This is a state responsibility whose future is also unknown at this time.

Commissioner Elfering advised he feels state was less than willing to collaborate – not forthwith about information sharing on their part. They were reluctant to help; he expressed disappointment in the lack of cooperation in this process.

Commissioner Givens noted Tamra's good ideas about pushing to get a plan review individual in Pendleton. Having to send plans to Salem for review is a very long and drawn out process with little or no communication as to the status of the plan review. A suggestion was made by Commissioner Givens that the county somehow pursue the idea of letting the state know we are not going to continue discussions about taking over the building codes program from the state at this time, but continue to push for the state to add a local plan review person. Also, how will we advise cities about our path? Commissioner Murdock added that no one appears to be supporting our move forward – this is a risk if it does not work. He likes idea of moving towards stepping out of direct application process and taking a more aggressive role in asking state to elevate the level of its service. He does not want to abandon it, but wants to postpone a decision. Either way, the county is not prepared and ready for a take-over date of 7/1/14; 7/1/15 is more realistic.

Tamra talked about statute requirements of the Building Codes program. Commissioner Murdock talked about the county's obligation to the City of Pendleton (and City of Hermiston) – he did not want to just jump out of the process, but there should be some discussion of county actions with those cities. Ideas were discussed including correspondence from the county as follow-up to Michael Jordan at BCD; two letters could serve the purpose: one letter about the disappointment in process, and a second letter could deal with what the county is going to do about the process. Commissioner Elfering felt the state needs to build transparency into the process and the county should encourage the state in that regard. Commissioner Murdock felt the focus needs to go back to the State – encourage a face-to-face meeting to go over the issues covered in any letters the county sends.

Commissioner Givens expressed appreciation to Tamra and her staff for all their extra hard work with the building codes program.

Based on the discussion, Commissioner Givens noted 2-prong approach could work. That is, continue with a follow-up letter to Michael Jordan (at the state BCD) and to sit down and talk about meeting face to face with Jordan, including representatives from the Cities of Pendleton and Hermiston to advise them of the county's position at this time. Tamra suggested the county could provide formal follow up of the county's appreciation for coordination with both cities in attempts to bring the state program to county level. Commissioner Elfering agreed with formal appreciation letter as discussed to both cities. Commissioner Murdock felt someone should sit down with both cities before sending a letter to Michael Jordan. It would be a good collaboration of county and the two cities – liaison is helpful. Tamra also wanted to somehow note the local staff has been helpful and ask if it would be OK for Tamra to talk to them rather than the commissioners. It was agreed it would be appropriate for Tamra to contact the Cities of Pendleton and Hermiston to formulate some type of follow-up.

The Board thanked Tamra for her presentation.

MPO meeting (05/07/14). Commissioner Givens will attend the meeting in Waitsburg that afternoon.

EOTEC meeting. Commissioner Givens noted that Amy Palmer from the City of Hermiston will take over as budget person for EOTEC. After he attends that meeting tomorrow (05/08/14), he will meet with Brooke Harshfield about the county logo for use on magnetic signs or an updated banner for parades.

Workforce Development Meeting (05/08/14). Commissioner Murdock will be meeting with representatives from BMCC, CAPECO and the Employment Department to discuss workforce development in the region through The Oregon Consortium/Oregon Workforce Alliance (TOC/OWA).

Medical Marijuana Taskforce Meeting (05/08/14). This will be the first meeting of the taskforce.

Commissioner Elfering noted he will not have office hours in Hermiston this week due to schedule conflicts.

All commissioners will go to Ukiah for lunch at the senior center Friday, May 9.

Medical Marijuana 101 meeting (5/1/14). Commissioner Murdock attended the conference in Portland sponsored by AOC (Association of Oregon Counties) and LOC (League of Oregon Cities). He reported the presentations were very good and useful, including coordination among appropriate county departments regarding regulations and handling in the county. Commissioner Elfering noted the local oversight committee will be reviewing their focus and needs pertaining to medical marijuana.

Commissioner Murdock added that the county needs to figure out what is coming – it will not be going away. There is a need to be proactive and consider all aspects as the county moves forward.

There was no further business to discuss.

The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

*Melinda Slatt*

Executive Secretary

Umatilla County Board of Commissioners