

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of April 5, 2017
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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

County Counsel: Doug Olsen

Members and Guests Present: Mike Kay, Farm City Rodeo Board member; Susan McHenry, SWAC Chair; Tom Fellows, Public Works Director; Human Services: Charlie Carnes, Amy Ashton-Williams (Director), Ruth Silva, Joely Cimmiyotti, Charity Murphy, Donald Smith; Melvalee Carter, Juvenile Services/CDDP; Thoren Hearn, Sheriff's Office; Jennifer Blake, HR Director; Thomas Roberts, Emergency Manager; Mike Ciraulo, Pendleton Fire Department; Tamra Mabbott, Planning Director; Gina Miller, Planning-Code Enforcement; Carol Eck, Lifeways Director; Sandra Shelton, Lifeways Chief Clinical Officer; Byron Smith, EOTEC Chair; Dan Lonai, Administrative Services Director; Kathy Lieuallen, Sheriff's Office-911 Manager; Robert Pahl, CFO; Jade McDowell, East Oregonian.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair Larry Givens welcomed all.

Pledge of Allegiance was led by Commissioner Murdock.

Chair Givens reminded those present that the meeting is a public forum. It is being video and audio recorded and minutes will be taken. Comments will become part of the meeting record. If persons wish to speak before the Board, please come to the podium, identify yourself and state where you live for the record. Due to a very lengthy agenda, he asked for time limitations on presentations to 3 minutes.

Awards/Correspondence/Recognition. Chair Givens read a letter from Governor Kate Brown to Commissioner Murdock thanking him for his service on the Governor's Advisory Committee on Energy and Agriculture in the Umatilla Basin; she shares his commitment to balance of energy development and agriculture to the economy in the region as a very important high-value agriculture area. She commended him and the committee for identifying a pilot project in Morrow County which will explore ideas on the ground for solutions of renewable energy development crossing a range of landscapes.

Recognition: Commissioner Murdock presented the Employee of the Second Quarter of 2017 -- he read a letter of congratulations to Ruth Silva in the County Human Services/Alcohol & Drug Program. Ruth is an extremely hardworking individual with a great work ethic and a magnificent example of professionalism. He presented Ruth with a certificate and the nomination letter while Stephanie Breshears took a photo.

Minutes of Previous Meeting. Commissioner Elfering moved to approve the Board meeting minutes of 3/15/17. Seconded by Commissioner Murdock. Carried, 3-0.

Additions to Agenda. None.

Public input for those items other than on agenda. Chair Givens advised this is the time for recognition of visitors and for public input of issues not included as a specific agenda item. There were none.

Presentations none.

Business Items:

1. **Solid Waste Franchise Renewals.** Susan McHenry presented as chair of the SWAC. The committee met yesterday and recommendations were made; all were in good order and are ready for the Board's final approval of a one-year extension. In addition, approval is sought today of a new franchise application for Ostrum's Mushrooms (next action item). **Commissioner Elfering moved to approve Order No. BCC2017-028 granting solid waste disposal franchise to Desert Wind, Inc. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-029 granting solid waste disposal franchise to Humbert Refuse and Recycling. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-030 granting solid waste disposal franchise to Pendleton Sanitary Service, Inc. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-031 granting solid waste collection franchise to Humbert Refuse and Recycling, Inc. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-032 granting solid waste collection franchise to Pendleton Sanitary Service, Inc. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-033 granting solid waste collection franchise to Sanitary Disposal, Inc. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-034 granting solid waste collection franchise to Eastern Oregon Waste Management LLC. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve Order No. BCC2017-035 granting solid waste disposal franchise to Quality Compost, LLC. Seconded by Commissioner Murdock. Carried, 3-0.**
2. **Solid Waste Disposal Franchise.** Doug Olsen noted this is a new franchise. A Conditional Use Permit was approved by the Planning Commission on 4/4/17 with a condition to obtain a disposal franchise. Presentation was by Susan McHenry and Gina Miller, Planning/Code Enforcement. Ms. McHenry noted questions can be directed to J. R. Cook, present today, as a representative from Ostrum's Mushroom Farm for a composting facility (SE corner of intersection of Sand Hollow Road and Hwy 334-Holdman-Helix Highway). There were no questions. **Commissioner Elfering moved to approve Order No. BCC2017-036 granting a solid waste disposal franchise to Ostrum Mushrooms Substrate LLC. Seconded by Commissioner Murdock. Carried, 3-0.**
3. **Solid Waste Advisory Committee Annual Report.** Susan McHenry presented. According to Code of Ordinance Section 9.4 of the Solid Waste Management Plan, the Solid Waste Advisory Committee presents an annual report. It includes review of implementation progress; review of recovery rate; identification of barriers and suggestions for corrective action plus suggestions for additional practices of implementation. The Committee is fully staffed; terms were renewed; planning occurred early in year for household hazardous waste event last April in Pendleton, which was very successful. Another event is scheduled this year on earth day at EOTEC in Hermiston – sponsored by DEQ. Franchises were all renewed and last year Jimmy Doherty-Eastern Oregon Waste Management purchased the Pilot Rock Sanitation franchise – he has been a good addition to the group. Rate increase was suggested and approved last spring. Summer – ordinance was reviewed and some

changes were suggested in a work session. SB705 regarding residential asbestos surveys in demolition was reviewed with DEQ implementation (survey requirement). SB263 Rulemaking Committee, established by DEQ, invited Mark Morgan and Mike McHenry to participate in discussion representing the region. This is a funding bill passed in the 2015 legislature -- increase in fees is effective this year. DEQ hired new people with new recycling guidelines – rules will take effect January 2018. Recovery increase as of 2015 is 29.4%. There has been a lot of construction and demolition in 2015. New figures will be reported in fall 2017 for 2016. A primary barrier at this time is insufficient funding for solid waste programs; however, DEQ has funding in their budget for household waste events. She thanked the Board for support for a nuisance abatement fund and also for \$2,500 for volunteer cleanup projects. And, special thanks to the Planning Department, Code Enforcement and all as well as Doug Olsen, County Counsel.

Commissioner Elfering asked about mandatory abatement of asbestos – are there local contractors? Ms. McHenry advised DEQ has a list of local contractors (for residential) who work with them. Gina Miller added contractors must be asbestos certified and there are a couple in the area (including Walla Walla). Chair Givens thanked Ms. McHenry for her hard work; he also acknowledged Larry Rowan and Ted Burrows for their work in code enforcement.

Ms. Miller advised there is a household waste clean-up event in Hermiston at Umatilla Electric Co-Op on April 22nd open to county residents.

4. EOTEC Leases. Byron Smith, EOTEC Chair presented. Pursuant to a requirement in the Inter-Governmental Agreement, leases over 5 years must be approved by Hermiston and the County. Hermiston City Council reviewed and approved the three leases two weeks ago (after the joint city/county work session). Mr. Olsen noted that the rodeo leases are fine. He noted for the Fair lease, the EOTEC side is acceptable. But for the Fair side, a couple of legal prohibitions in the lease need to be changed slightly for county action. The City will have to review and approve just the Fair lease portion. Mr. Smith advised of a plan to schedule another joint work session, perhaps in early May. Commissioner Murdock asked if the meeting could be held at EOTEC since he would like to tour the grounds at that time. **Commissioner Murdock moved to approve the proposed lease for the Rodeo arena. Seconded by Commissioner Elfering. Carried, 3-0. Commissioner Elfering moved to approve the lease for the Mercantile area. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Murdock moved to approve the fairgrounds lease subject to two amendments: add a non-appropriation clause for the county to terminate in the event sufficient funds are not available and add a clause for mutual limitation on indemnification of EOTEC. Seconded by Commissioner Elfering. Carried, 3-0.**

Mr. Smith provided an update on EOTEC construction: barns are going up. Footings were poured this week and early next week footings will be poured for the large animal barn. Landscaping contractors have done work, electrical and plumbing have done underground work in the commons area; rock is on all pathways and next week paving will be done. Bids are out for a bathroom building (associated with the rodeo but it will be joint use for fair as fencing will allow movement between). Knerr Construction is working on smaller packages for barns (internal restrooms and electrical and plumbing that goes with it). Perimeter fence is going up. They are working with a neighboring property owner to put back the fence taken down after surveying. Pen bid was awarded to Noble Panels – moving forward with construction of panels for all of the barns. Some are special designed panels. Commissioner Murdock added he'd heard they are state of the art. Comment was

made about old-style connections of panels -- new ones are much easier to work with and will last a lot longer.

Mike Kay, on behalf of the Farm City Pro Rodeo Board, added they are looking for completion June 1. Volunteer work will start after that to move to the new arena. Vertical construction going up is exciting. Commissioner Murdock noted total focus from now to August is that construction is completed and we will have a fair and rodeo. Chair Givens added the county is working hard to get things moved out of the old location. Mr. Kay agreed parties are working well and he gave a lot of credit to Byron Smith for pressing through.

5. EOTEC payable. **Commissioner Murdock moved to approve the payable in the amount of \$45,190 to the EOTEC Authority. Seconded by Commissioner Elfering. Note: this item was tabled from the Board's last meeting. Carried 3-0.**

6. Emergency Operations Plan. The public hearing was opened at 9:38 a.m. by Chair Givens. Tom Roberts, Emergency Manager, presented the staff report. This is to amend the County Emergency Operations Plan to include a plan for the use of ChemPack. Consideration of ordinance 2017-05 was requested. Stockpile is essentially nerve style antidote (like with CSEPP). One requirement is to have a plan to deploy. He worked with UCSO, representatives from the Oregon Health Authority and the CDC. Chem Pack is located at the armory of the Operations Center and is ready for deployment. The Plan includes a list of who has what assets and a means to track – to show the pattern of who has what and when. Chair Givens opened the hearing for the public to comment. No comments or questions were made. He closed the hearing at 9:42 a.m. **Commissioner Elfering moved to approve and adopt Ordinance No. 2017-05 to amend the Umatilla County Emergency Operations Plan, Codified at Chapter 35, Code of Ordinances. Seconded by Commissioner Murdock. Carried, 3-0.**

7. ASA Committee Report. Mr. Roberts presented. The committee met 2 weeks ago and discussed a plan and impact to Ambulance Service Area franchising with the recommendation and supported by himself as Emergency Manager to have the Board of Commissioners consider extension of current franchises up to 6 months. This would be in the best interest of public to allow careful review of the ASA plan for meeting state requirements; which it does not at this time. Approval is needed first by the county and then state; after that the suggestion is for franchisees to make application. Chair Givens to Doug Olsen: the current franchises expire 6/30/17; he suggests extending through 2017 (12/31/17). Mr. Roberts advised there are six service areas impacted. Mr. Olsen noted ASA 2 and 3 will be combined as part of the ordinance amendment. **Commissioner Elfering moved to approve an extension of six additional months to all current ASA Franchises. Seconded by Commissioner Murdock. Carried, 3-0.**

8. Fair Stage RFP. Doug Olsen presented. The stage is in need of replacement and a request for proposals for a new one is requested. There was a question about including repayment; Robert Pahl, CFO advised there is a 5-year payment plan and an option to accelerate if feasible (per his discussion with Lucas Wagner, Fair Board Chair). **Commissioner Elfering moved to approve an RFP for the Fair stage. Seconded by Commissioner Murdock. It was noted the intent is for repayment (plan as noted by Mr. Pahl) after the stage is built. Carried, 3-0.**

9. Fingerprint Machine. Lt. Thoren Hearn presented. The payable was missed last year and it is before the Board due to the amount (2 years of charges = \$13,356.65). **Commissioner Elfering moved to approve the payable of \$13,356.65 to 3M Cogent, Inc. Seconded by Commissioner Murdock. Carried, 3-0.**

10. Expedia Text Software. Presented by Capt Kathy Lieuallen, 911 Manager. Authorization is sought to obtain Text to 911 Software. Recommendation is to approve the quote from Comtech (1 of 3 vendors in Oregon). Statewide the project is not standard – this is an interim solution for 911 – text vs. voice. Oregon Emergency Management will pay for the service on behalf of the county. (Year 1 = \$8,400; Year 2 = \$5,400; and Year 3 = \$5,400). The only cost to the county is for time for installation and training. This must be done by 7/1/17; it is a great service for hearing impaired and deaf. She passed out a map to show counties who already have system in place – mostly on west side at this time. Software will be installed on dispatch computers. She has also provided information to Milton-Freewater to contact the vendor. This is a quote only at this time not a statement of agreement as yet. **Commissioner Murdock moved to approve and authorize Text to 911 Software from Comtech.** Commissioner Elfering asked is this for only the first three years? Capt. Lieuallen responded payment will continue until the statewide project of text to 911 is fully set up. At this time, it is a web-based solution until statewide project is implemented; there is no cost after three years; software will be dropped and County 911 Dispatch will go to the project connection. **Commissioner Elfering seconded. Carried, 3-0.** Chair Givens noted the entire length of the state along the coast is not going to be available. Capt. Lieuallen noted the exception is Astoria has text to 911 – they were one of first. There was discussion about issues on the coast; she said the saying is “call if you can and text if you can’t”.

11. Asphalt Oil Purchase. Tom Fellows, Public Works Director, presented. This is the annual award for the chip seal program. Each year quotes are requested. Idaho Asphalt was the low bidder this year and his recommendation is to award it. **Commissioner Elfering moved to approve and authorize purchase of chip seal oil (both CRS-2 and high-float) from Idaho Asphalt Supply for 2017. Seconded by Commissioner Murdock. Carried, 3-0.** Commissioner Murdock asked how this year’s prices compare to prior years. Mr. Fellows advised it is down a little – about \$12 per ton less.

12. Used Deck Equipment Trailer. Mr. Fellows presented. This equipment is on his list for acquisition. The only proposal submitted was \$28,500 was from Capital Industrial Inc. The unit (a 30-ton equipment tilt-deck trailer) passed inspection and will meet their needs. In answer to Commissioner Elfering’s question, this is an additional piece of equipment. **Commissioner Elfering moved to approve and authorize purchase of equipment trailer from Capital Industrial Inc. for \$28,500. Seconded by Commissioner Murdock. Carried, 3-0.**

13. Belly Dump Trailer. Mr. Fellows presented. This is also a piece of equipment on the purchase list that is at auction on May 6. The auction value is set at \$22,500 – if they get it for less, it would be a bargain. Today’s action is for permission to go to the auction and bid up to that amount. **Commissioner Murdock moved to approve and authorize purchase of a trailer up to \$22,500. Seconded by Commissioner Elfering. Carried, 3-0.**

14. HVAC System RFP. Dan Lonai, Administrative Services Director, presented. Two county buildings are located in downtown Milton-Freewater (the original old health building on Broadway and the second building on Main Street used for OSU-Extension). The buildings are being remodeled; both

have the original HVAC systems; the Broadway building had roof leaking damage. The request today is for two RFPs for HVAC systems. The floor plan for the Main Street building will be reconfigured for better flow. There was discussion about the Main Street building – separate pieces – common wall; the HVAC will serve both portions. The roof is in good enough shape to use for a while according to maintenance. Mr. Lonai noted yesterday the Sheriff’s Office moved to the Broadway building, which will equate to savings on phone charges with new phone system; don’t need to use old infrastructure. The area where sheriff was will be remodeled since they are out and there will also be lab space for OSU Extension. The watermaster portion is empty at this time. In response to Commissioner Murdock’s question about the watermaster, Mr. Lonai advised there is option to change some of the office space around. Commissioner Elfering added the plan is to have someone there permanently in Milton-Freewater and office space is needed. Commissioner Murdock suggested it may be more effective to use the Broadway building and free up space at the Main Street building. Mr. Lonai suggested it is possible to use the old meeting room for watermaster. **Commissioner Murdock moved to approve RFP for HVAC systems for the Milton-Freewater Broadway Street and Main Street buildings. Seconded by Commissioner Elfering. Carried, 3-0. Commissioner Murdock moved to direct Dan Lonai to find office space in the remodeled Broadway Street facility for the watermaster. Seconded by Chair Givens. Carried, 3-0.**

15. Planning Position. Commissioner Elfering noted this is for reorganization in the Planning Department to eliminate a position and to create a position for Assistant Director of Planning. **Commissioner Elfering moved to approve the Assistant Director position in the Planning Department. Seconded by Commissioner Murdock. Carried, 3-0.**

16. Budget Transfer and Supplemental Budgets. Robert Pahl, CFO, reported. There are five supplemental budgets and one budget transfer. Chair Givens called the public hearing to order at 10:05 a.m. for the supplemental budgets. Mr. Pahl noted: Budget Order No. 2017-30 (EOTEC Reserve) requires transfer of appropriations to increase Materials & Services \$25,000 and decrease in Contingency in same amount. Order 2017-31 (County Fair-Fairgrounds) requires supplemental budget to appropriate funding not known at adoption of the budget; requires increase in Local Revenues \$3,500 and increase in Materials & Services in the same amount. Order 2017-32 (Human Services – Developmental Disabilities) requires supplemental budget to appropriate funding not known at adoption of the budget; requires increase in State Revenues \$33,500 and increase in Materials & Services in the same amount. Order 2017-33 (General Fund-Cooperative Extension Services) requires supplemental budget to appropriate funding not known at adoption of the budget; requires increase in State Revenues \$38,420, Materials & Services \$18,000 and General Fund Contingency \$20,420. Order 2017-34 (Records Archiving) requires supplemental budget to appropriate funding not known at adoption of the budget; requires increase in Capital Outlay \$5,500 and decrease in Contingency in the same amount. Order 2017-35 (Milton-Freewater Improvements Fund) requires supplemental budget to appropriate funding not known at adoption of the budget; requires increase in Materials & Services \$10,000 and Capital Outlay \$70,000; it also requires a decrease in Contingency \$80,000. There were no questions. Chair Givens closed the public hearing at 10:10 a.m.

In the matter of approving a Transfer of Appropriations Per ORS 294.463 for FY ending 6/30/17, Commissioner Elfering moved to approve and adopt Budget Order 2017-30 (Program 4024-EOTEC Reserve). Seconded by Commissioner Murdock. Carried, 3-0.

In the matter of approving Supplemental Budgets Per ORS 294.471 for FY ending 6/30/17, Commissioner Elfering moved to approve and adopt Budget Order 2017-31 (Program 4043-County Fairgrounds). Seconded by Commissioner Murdock. Carried, 3-0.

Commissioner Elfering moved to approve and adopt Budget Order 2017-32 (Program 5490-Developmental Disabilities). Seconded by Commissioner Murdock. Carried, 3-0.

Commissioner Elfering moved to approve and adopt Budget Order 2017-33 (Program 4016-Cooperative Extension Services). Seconded by Commissioner Murdock. Carried, 3-0.

Commissioner Elfering moved to approve and adopt Budget Order 2017-34 (Program 3513-Records Archiving). Seconded by Commissioner Murdock. Carried, 3-0.

Commissioner Elfering moved to approve and adopt Budget Order 2017-35 (Program 9088-Milton-Freewater Facilities Improvement). Seconded by Commissioner Murdock. Carried, 3-0.

17. Hidden Heroes. Commissioner Murdock has talked about this program since his trip to Washington DC in February. This is the beginning of an incredible national program with service to care for veterans through the Elizabeth Dole Foundation. Umatilla County would be the first in the state to enact this program. With passing of the resolution, it will start and, hopefully, encourage the rest of the state to follow suit. He personally spoke to Elizabeth Dole who is impressed with Umatilla County. **Commissioner Murdock moved to approve adoption of Order No. BCC2017-026 (a support resolution of Umatilla County's Military and Veteran Caregivers). Seconded by Commissioner Elfering. Carried, 3-0.**

18. National County Government Month. Resolution of proclamation of National County Government Month was read by Commissioner Elfering. Chair Givens commented about a NACo conference call yesterday it was noted April is National County Month; they are trying to get all 3,069 counties nationwide to make some type of formal action which is a great way to promote counties. Commissioner Murdock noted Umatilla County has submitted a program to NACo for the best 100 ideas (entire package was submitted on county's behalf). **Commissioner Elfering moved to adopt Order No. BCC2017-027. Seconded by Chair Givens. Carried, 3-0.**

Other

Commissioner Murdock introduced Carol Eck, Lifeways, and she introduced Sandra Shelton, Chief Clinical Officer for Lifeways (from Ontario). They will meet with Commissioner Murdock after the Board meeting today.

No Executive Session.

Commissioner Reports

Commissioner Murdock is looking forward to budget sessions in two weeks (April 19-20); the official plan is for two days vs. three. He noted from the day's East Oregonian that some local entities are just starting their budget discussion. Chair Givens and Commissioner Elfering thanked Commissioner Murdock as budget liaison for his hard work. Commissioner Murdock pointed out the great support and work by Robert Pahl, CFO, and Marie Simonis, Assistant Director of Budget and Finance.

Chair Givens will attend the meeting that afternoon of the Metropolitan Planning Organization in Walla Walla; one item of discussion is the Blue Mountain Trail project where federal planning dollars are hoped to be awarded. He had a conference call yesterday with the Eastern Oregon Counties Association where there was more discussion about PILT and SRS (not funded for two years and again not this year). Regarding the Forest

Management Plan, it is out of House and, hopefully, the Senate will discuss it in next month. However, impact will be felt by the Blue Mountain Forest Plan – work continues on it. Regarding a NACo conference call from yesterday, assurance was given for PILT with new permanent authorization – waiting to see where that goes. It will require coalition of western state legislators and senators in support. In response to a question by Commissioner Elfering about SRS, Chair Givens noted PILT general funding of about \$480 million – if that is permanent vs. continuing -- NACo is pretty confident that will be funded at possibly 7% to 10% increase in that \$480 million. Some counties receiving SRS in the past received from \$220,000 to \$1.8 million. Because of lack of reauthorization, counties received different amounts -- much less than historically received. Chair Givens noted Umatilla County opted several years ago to go with PILT vs. SRS. The County's amount received last June was \$1.1 million. Mr. Pahl hopes this year it will be about the same, but there is no prior notification. Chair Givens added he doesn't believe those counties who took SRS will now be able to opt for PILT payments. A new bill will take into account some counties have been added and amounts received will be different after meeting specific requirements.

Commissioner Murdock noted on April 17, Chief of Staff for Representative Walden, Larissa Bounds, will meet with him. If there is interest, she could come to meet commissioners at 11 a.m. and then on to speak at Rotary.

The meeting adjourned at 10:40 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary, Umatilla County Board of Commissioners