

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of March 8, 2018  
9:15 a.m., Room 130, Umatilla County Courthouse  
Pendleton, Oregon

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

**County Counsel:** Doug Olsen

**Members and Guests Present:** Robert Pahl, County Chief Finance Officer; Kim Weissenfluh, CDDP Manager; Matt Kenny, Public Works Surveyor; Byron Smith, City of Hermiston Manager; Carol Johnson, Senior Planner; Kent Madison, Land Use Applicant; Laura Madison, Land Use Applicant; Lolly Anderson, Attorney; Michael Schultz, Attorney; Rhonda Villalobos, property owner.

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**CALL TO ORDER**

The meeting was called to order at 9:15 a.m. Chair Murdock welcomed all.

**Pledge of Allegiance** was led by Commissioner Givens.

Chair Murdock 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. He noted a point for public input before business items for other than agenda.

**Awards/Correspondence/Recognition.** None today.

**Minutes of Previous Meeting.** Commissioner Elfering moved to approve the Board meeting minutes of 2/7/18. Commissioner Givens seconded. Carried, 3-0

**Additions to Agenda.** None.

**Public input for those items other than on agenda** Chair Murdock advised this is the time for public input (for other than a scheduled item on the agenda) and also for recognition of visitors. There were none.

**Business Items:**

1. **EOTEC.** Doug Olsen presented. Previously the Board documented its approval to transfer interest in the Eastern Oregon Trade and Event Center property to the City of Hermiston. The goal was to complete the transfer on March 1, later extended to March 15. A number of documents were necessary for the Board to accomplish termination of the intergovernmental agreement and transfer interest in the EOTEC property to City of Hermiston. Staff and Commissioner Givens have met with City representatives to draft documents. The documents are pretty much ready, except for one provision to in the lease, as well as agreement regarding use of personal property of fair and the City; otherwise ready to act on today. The list of personal property is available now but terms need to be confirmed with Fair Board, and then on to City to review. Chair Murdock asked Byron Smith to come forward. He noted appreciation on work on the documents. The City Council is ready to consider documents at regular city council meeting next Monday, March 12, 2018. Commissioner Givens thanked Mr. Smith

for leadership on the EOTEC Authority Board. **Commissioner Givens moved to adopt Order No. BCC2018-018 and to approve signing of the lease, termination of EOTEC Intergovernmental Agreement, and Deed. Seconded by Commissioner Elfering. Carried, 3-0.**

2. Hermiston Enterprise Zone Payment. Doug Olsen presented. Under terms of the long term enterprise zone agreement, County receives \$500,000 annually. The proposal is to transfer 4 years of payments to the City of Hermiston for water system improvements to accommodate some housing development. Commissioner Elfering added that the water system improvements should lead to housing, and are a good economic benefit to the county. Commissioner Murdock noted that when significant events happen, it is good to reinvest back into community. Commissioner Murdock asked Byron Smith to comment. Mr. Smith said that the City is moving forward with design for the water system improvement. Approximately 300 lots are already platted and it is hoped it can be as much as 600 to 700 lots as well as adding another school in that area. The City really appreciates county partnership on this project. Commissioner Murdock asked for ongoing progress on the status of the improvements. Mr. Smith agreed. **Commissioner Givens moved to approve the agreement. Seconded by Commissioner Elfering. Carried, 3-0.**
3. Vehicle Purchase - CDDP. Kim Weissenfluh, CDDP Program Manager, presented. The program is requesting to go out for RFP for the purchase of 4-5 new vehicles for service coordinators, abuse investigator and eligibility coordinator. The fund carryover is available for part of those vehicles, and the other two were approved as part of the budget; none of the money is general fund. Commissioner Murdock noted that when this program was reinstated, vehicles were acquired from other departments and now are in need of replacement. **Commissioner Elfering moved to approve the request. Seconded by Commissioner Givens. Carried, 3-0.**
4. Digital White Board Purchase. Kim Weissenfluh, presented. The Program is requesting authority to purchase a digital white board not to exceed \$7,000. The carryover of funds is available for the purchase. Technology and other upgrades are needed and approved in the carryover plan. It is the hope that the facility can be repurposed to allow for regional meetings and cutting travel costs to Salem. Money is not general fund. She has worked with IT for the best digital white board – she will defer to Dan Lonai for the best fit. It is what schools are using. **Commissioner Elfering moved to approve the purchase of the digital white board, not to exceed \$7,000. Seconded by Commissioner Givens. Carried, 3-0.**
5. Administrative Policy. Dan Lonai, Administrative Services Director. This proposed policy 11.0 for employee emergency procedures. A flip-chart is to be placed by each phone extension with various emergency situations. There are various situations and the flip charts are adapted as needed. Commissioner Givens commented about various recent safety/security issues. This is on the forefront for him. The public and employees need to be protected. **Commissioner Givens moved to adopt Administrative Services Policy 11.0.** Commissioner Elfering asked about distribution. Mr. Lonai said that department heads received the documents last week at the regularly scheduled meeting and they were to distribute and go over them with their staff. He also noted there will be drills in the next month. At other facilities, they will do their own drills as well. Drills are to be done bi-annually at all county facilities. Step 1 is the flip chart and all employees going through them in advance. Training is the next step with drills, as well as other trainings for various scenarios. Safety is being promoted – training can make things a habit. **Seconded by Commissioner Elfering.** Commissioner Murdock confirmed that Mr. Lonai gave a presentation at the Department Directors meeting on 2/28. One challenge of drills is the possibility of court being in session – drills need to be as realistic as possible. Commissioner Givens

also commented on building security with one point of access for public. Mr. Lonai agreed this will be safer for employees. **Carried, 3-0.**

6. Athena Bridge Agreement. Doug Olsen presented on behalf of Tom Fellows who was not able to attend today. Mr. Fellows is in support of the proposed agreement for the Athena Bridge replacement. The Umatilla Basin Watershed Council, along the CTUIR, has worked to study what would be the best option for fish passage at the bridge. The best option is to remove the bridge. Funding will be done by through non-county contributions. The only county contribution will be use of dump trucks and removal of the bridge off the site. The new bridge will be owned by the City of Athena at the end and maintenance will be its responsibility as well. **Commissioner Givens moved to approve the project and the agreement. Seconded by Commissioner Elfering. Carried, 3-0.**

7. Lloyd Road LID. Matt Kenny, Public Works Surveyor, presented. This is to follow up from the last meeting when the Board approved the project be moved forward for property owner input. Notices were sent out to all landowners with backup information and a ballot. Results and comments received were against the LID. 52% of the vote was to not go forward, mainly because of the cost. Doug Olsen noted that based on the statute, if the objections exceed 50% -- it must be abandoned. **Commissioner Elfering moved to adopt Order No. RD2018-02. Seconded by Commissioner Givens. Carried, 3-0.**

On another road issue, Commissioner Givens asked Mr. Kenny about McKinney Road. He advised he is still investigating and needs more direction about moving forward.

8. Bond Refunding. Doug Olsen presented. In 2009, the County obtained a Special Public Works Fund loan for financing a portion of the construction cost of the detoxification facility. The loan was financed through state revenue bonds. With the reduction in interest rates, it is now beneficial to refund the bonds and the loan. It is requested to move forward with the refunding of the loan. Commissioner Givens asked how this would affect the amount of the payments. Mr. Olsen noted that any reduction in the rate of interest would result in a decreased payment. **Commissioner Elfering moved to adopt Order No. BCC2018-020. Seconded by Commissioner Givens. Carried, 3-0.**

9. Restoration Plan. Doug Olsen presented. This request is from Human Resources to restore the salary range of two positions. The plan would be implemented over a three year period. These positions were reduced in the past to allow for additional position and for budget reasons. There are additional costs associated with the request. Commissioner Murdock spoke in favor of this plan. He met with HR Director Jennifer Blake, knows the background and feels it should be spaced out over a few years. The plan minimizes budget impact. **Commissioner Givens moved to adopt the plan and restoration of the two positions. Seconded by Commissioner Elfering. Carried, 3-0.**

10. LCAC Appointment. Doug Olsen presented. There are 5 people recommended for appointment to the Local Community Advisory Committee. The individuals have submitted applications for appointment. Mr. Olsen noted some are county employees, and some are employees of community partners; one is a customer. Commissioner Murdock noted primary criteria is interest and willingness. This committee has been in place for over three years. Three year terms are included. **Commissioner Elfering moved to approve Order No. BCC2018-019. Seconded by Commissioner Givens. Carried, 3-0.**

11. AOC Dues. The payable for dues to the Association of Oregon Counties is before the Board for approval. Commissioner Murdock noted some portion of the dues are voluntary. Roughly \$18,000 of \$23,257 are not voluntary. Lottery fund dues are voluntary (amount of \$878). This was a legislative

proposal to make the county “whole” as far as the percentages by the state. Federal lands management subcommittee dues are \$716. Commissioner Givens spoke that this is part of the federal forest plan so that counties can have a voice. It is a long process and is not always what our county wants it to be. Next is the portion for the PERS alliance dues of \$1667. Commissioner Murdock feels we must continue to keep pressure on this and address PERS issues. The portion for Veterans Fund is \$2103. Commissioner Murdock feels this committee at AOC is one of the most active and successful – a great relationship with the state and is recognized at the national level. Our Veterans’ staff and program have expanded over the last three years, which brings several millions of dollars for Veterans’ benefits. This is ongoing. Commissioner Murdock remarked about the Korean War veteran recently honored at a Board meeting in February. Finally, there is the Public Lands Fund portion of \$4,514. Commissioners Elfering and Givens are in support of continued discussions about PILT and SRS and the leadership of the association in keeping these payments. Commissioner Murdock agreed that this is crucial. **Commissioner Elfering moved to approve paying for 2018 AOC dues in the amount of \$23,256.95. Seconded by Commissioners Givens. Carried, 3-0.**

#### Commissioner Reports.

Commissioner Givens: The plan to attend the NACo legislative conference did not happen as flights were cancelled due to bad weather on the east coast. He got as far as Chicago. However, he did get a chance to talk to Congressman Walden recently about water issues, and the Blue Mountain Forest Plan. For the water policy action plan in the Milton-Freewater region, it did not get any funding at state level.

Commissioner Elfering: He was at a City/County Insurance Services convention in Salem last week. Rates coming up for insurance are going to be favorable – better than expected. He will share that with Robert Pahl shortly. He also noted his flight to the east coast was cancelled out of Portland.

He is still working on the Columbia Development Authority as a Board member regarding the Umatilla Depot transfer. There are still small details to be worked out; still expecting to see the process completed and depot in our hands. A delegation from the CDA is going to Washington DC next week in order to do some lobbying.

He attended the Port of Umatilla Board meeting; including learning more about data technician training, which is important to economic development. Relevant training is the start of getting people going to work and living in Umatilla County.

Commissioner Murdock read in the “County News” that 2000 people did make it to the NACo conference. He expressed frustration to NACo on Monday that they did not post anything on its website, which resulted in registration refunds for those whose flights were cancelled.

The BOPTA Board earlier this week met and adjourned for the year.

12. Land Use Hearing – Continuation of 3R Valve LLC request. Chair Murdock called the hearing to order at 10:00 a.m. A staff report was given by Carol Johnson, Planning Department. The land use hearing is on a rezone for 3R Valve LLC, Kent Madison. The previous hearing was continued, and the record was closed. She gave a reminder this is for land currently in an EFU zone and the request is to change the agricultural designation to commercial and to change from EFU to rural retail services-commercial. It is up to the Board for action. Mr. Olsen noted at the conclusion of the last portion of the hearing, the Board wanted some type of communication to the applicant of the deficiencies. Ms. Johnson provided information directly to the applicant as well as their attorney. The report provided guidance on some insufficiencies as well as the evidence needed to support it. Now, written additional testimony has been presented to the Board. It cannot be accepted without the record being reopened. The Board action necessitated more evidence. In addition, draft findings were provided by the applicant’s attorney, although one item still has not been addressed by the applicant. The reopened record can be limited to

written documents or also continued to a further date to allow for some of missing documentation to be provided. Commissioner Murdock noted options: Decision to open record to written communication and to put into the record documents sent to the Board, requiring a motion for this allowance. **Commissioner Givens moved to re-open the record. Seconded by Commissioner Elfering.** Commissioner Givens added he wants to look at all possibilities. **Carried, 3-0.**

Commissioner Murdock noted other needed action. If deciding to take more action, there is still one remaining piece dealing with availability of other sites along the freeway location. To Mr. Olsen, theoretically, can the vote today be to deny the application or can the hearing continue to allow providing the applicant the opportunity to address that issue? Mr. Olsen advised that there may be some other issues to address with the planning staff; but there is a major missing component and the Board cannot move forward without it. Commissioner Givens said that more time would allow for additional documentation.

Carol Johnson asked to enter into the record, in addition to the email provided by applicant. She distributed a document that included the email with additional staff notes. She also provided summaries of the goal exception and rules for planning to consider for uses. **Commissioner Givens moved to add Exhibit 15 - applicant's rebuttal testimony; Exhibit 16 - rebuttal plus county responses/explanations; and Exhibit 17 - goal exceptions. Seconded by Commissioner Elfering. Carried, 3-0.**

Mr. Olsen asked if the Board wanted to hear from the Applicant's attorney regarding a continuance. Lolly Anderson, attorney for the applicant, came forward. She clarified the Board's options and summarized. Their preference is to have the opportunity to respond. Commissioner Givens noted that is the action proposed. Commissioner Murdock noted the Board wanted additional information to make a decision in the near future. **Commissioner Givens moved to continue the hearing until May 16 at 9:00 a.m., in Room 130, Umatilla County Courthouse, and any documentation is to be submitted by May 1 to planning for its prior review. Seconded by Commissioner Elfering. Carried, 3-0.**

Executive Session. None.

The meeting adjourned at 10:17 a.m.

Respectfully submitted,

*Melinda Slatt*

Executive Secretary, Umatilla County Board of Commissioners