

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of August 16, 2023
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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Commissioners Present: Chair Dan Dorrان, Vice-Chair John Shafer, and Commissioner Timmons
County Counsel Doug Olsen

Guests Present: Tom Fellows, Umatilla County Public Works Director, Dale Primmer, Umatilla County Community Corrections Director, Mike Hansen, COO Sabey Corporation, Robert Wahlder, Umatilla County Community Development Director, Ann Jolly, Blue Mountain Alliance, Suni Danforth, Blue Mountain Alliance, Marlene McClintock, Blue Mountain Alliance, McKenzie Bowey, Umatilla County Assessment and Taxation, Richard Jolly, Blue Mountain Alliance

Video link or Calling in: Susan

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CALL TO ORDER: Chair Dorrان called the meeting to order at 9:00 a.m. He reminded all that the meeting is a public forum and there is a call-in option provided. There is time on the agenda to provide input (or for hearings) to provide comment. The meeting is being video and audio recorded and minutes will be taken. Also, meetings are now live-streaming. Comments will become part of the meeting record and ask that they be three minutes or under. If persons wish to speak before the Board, please identify yourself and state where you live in order to be heard on the record – also note if you are speaking on behalf of others.

Pledge of Allegiance was led by Chair Dorrان

Awards/Correspondence/Recognitions. Chair Dorrان wants to congratulate the Umatilla County Fair Board, Fair Manager and all of the volunteers and sponsors on an incredibly successful fair this year, although the numbers aren't in yet we know if it is substantial, City of Hermiston kicked in with additional parking near the airport, incredible fair and rodeo, some of the best weather. Chair Dorrان shared a telecommunicator award, the Hearts of 9/11, they go above and beyond, this award was given to Cherrie Hutchinson, there was significant incidents in 2022, this is a new award this year and will be first one to receive this award in the state of Oregon, she will accept this award at the banquet in early October in front of dispatch and administrative peers.

Minutes – Commissioner Timmons moved to approve the minutes from the 07/05/2023 and 07/19/2023 Board meetings. Seconded by Commissioner Shafer. Carried, 3-0.

Additions to Agenda – None.

Public Comments and Recognition of Visitors – None

Business Items

1. **Charter Amendment Election- Public Hearing** - Chair Dorrان opened the public hearing at 09:12 a.m. Presented by Doug Olsen, County Counsel. Approval is sought for the adoption for Order No. BCC2023-06. The Charter Review Committee presented its report at the August 2, 2023 Board

Meeting. The committee recommended two items be referred to the votes for amendments to the Charter. At that time, the Board accepted the reported and voted to refer the two items to the voters. Before the Board are two proposed Ordinances officially referring the two amendments to the voters and calling for an election. The Charter does not specify that the vote be conducted at any specific election, only that it be conducted at least 75 days after the date of the ordinance referring that matter to the voters is adopted. Potential dates for the election are November 7, 2023 and May 21, 2024.

Sunni Danforth - hear there is a cost savings if there is May. If that election is this November this would follow the will of the voters, it makes the playing field for everyone, they would have to qualify for the May primary

Chair Dorran closed the public hearing at 09:16 a.m.

After discussion the consensus was to place the ordinance on the May ballot.

Commissioner Shafer moved to adopt Order No. BCC2023-06. Seconded by Commissioner Timmons. Carried, 3-0.

Commissioner Shafer moved to adopt Order No. BCC2023-07. Seconded by Commissioner Timmons. Carried, 3-0.

2. Enterprise Zone Agreement - Presented by Doug Olsen, County Counsel. An application for tax abatement has been submitted for development within the Greater Umatilla Enterprise Zone. The request is for a long-term rural abatement for approximately 60 acres. The development would be for a new campus for Sabey Data Center. The terms for the abatement are before the Board for review and approval. As a co-sponsor of the zone, the County must agree to the terms of the agreement. The agreement with the City on the distribution of the payments is also before the Board for approval. The Umatilla City Council is considered the proposal at its August 15, 2023 meeting, and approved it. The developer will receive 15 years of tax abatement.

Commissioner Shafer asked that on page three of the contract where it breaks it down are those one times payments distributed 50/50? Mr. Olsen responded that it will be and there is a separate agreement proposed by the city that anything that is paid to the sponsors will be divided between the two. The only difference on that is the improvement fee will not be split 50/50 and it will be split between the hospital and the trail project.

Commissioner Shafer asked about item #10, will that reduction come out of both entities? Mr. Olsen shared that both parties will divide any reduction equally, this is the same language as past agreements except that the amount was increased to \$150,000

Mike Hansen- 12201 Tukwila International Boulevard, Tukwila, Washington - Chief Operating Officer for Sabey Corporation which is the parent company for Sabey Data Centers. We have been fortunate to find this community. We are in areas that are similar to this one. We are here to be community partners, we are very involved with the community college in other areas and intend to do the same thing here, look forward to being here

Chair Dorran shared that he welcomed Mike to this area, think they are going to fit in just perfect, reach out if you need anything,

Commissioner Shafer moved to adopt Order No. BCC2023-035. Seconded by Commissioner Timmons. Carried, 3-0.

3. Community Corrections Plan - Presented by Dale Primmer, Umatilla County Community Corrections Director. Approval is sought for the biennial plan as approved by LPSCC and authorize the chair to sign acceptance and approval letter. Every two years Community Corrections agencies must submit its biennial plan to the Department of Corrections. This plan then enables the County and the State to enter into an Intergovernmental Agreement to fund Community Corrections for the biennium. The plan for fiscal years 2023-25 is before you for review. The plan has been approved by the Local Public Safety Coordinating Council. Everything that got funded last biennium will be funded for his next biennium because of setting money aside to fix that gap. Reserves are being used to continue services. They knew that there would be some reductions coming and did not refill five vacancies. They can get through this next biennium, but will need additional review to continue. Chair Dorran- how much reserves will you have left over after this biennium? Mr. Primmer responded about 1 million.

Commissioner Shafer moved to approve the biennial plan as approved by LPSCC and authorize chair to sign acceptance and approval letter. Seconded by Commissioner Timmons. Carried, 3-0.

4. Public Works Software Purchase - Presented by Tom Fellows, Umatilla County Public Works Director. Approval is sought for the authorization to purchase the diagnostic program from NOREGON Systems LLC in the amount of \$6,230.92. The Public Works Department is requesting authority to purchase a diagnostic system for all of the computerized equipment public works utilizes in our day to day work. This package includes almost all of the equipment we currently use. This is not simply a code reader. This program will give our shop the ability to change and upgrade our onboard computers as well as diagnose issues with our equipment. Currently we have to call out a service technician or take our equipment to a vendor for diagnosis at a great expense. This investment will give our shop the tools needed to improve our ability to maintain and operate our current equipment inventory. After the purchase there will be an annual renewal fee of \$2,199.00. The first year fee is included in the price. Three updates are included with the annual fee

Commissioner Dorran moved to approve the purchase of the diagnostic program from NOREGON Systems LLC in the amount of \$6,230.92. Seconded by Commissioner Timmons. Carried, 3-0.

5. A&T Payable - Presented by Mackenzie Bowey, Umatilla County Assessment and Taxation. Approval is sought for the payment of \$8,104.44 for ESRI Renewal licenses. This is a payable for the annual renewal of ESRI licenses for several departments within the county. Our licenses run from November to November. Several licenses are prorated for this coming year so they are on the November billing cycle.

Commissioner Shafer asked if there is a break in savings if we pay for more years at a time? Ms. Bowey shared that not that she knows of and that they pay a higher up front cost and then it is lower to maintain the license. Chair Dorran shared that ESRI is looking at packaging all of their suites

into one cost and locations, the more departments we have the more attractive it would look at packaging them together.

Commissioner Shafer moved to approve the payment of \$8,104.44 for ESRI Renewal licenses. Seconded by Commissioner Timmons. Carried, 3-0.

6. HR Payable - Presented by Doug Olsen, County Counsel. Approval is sought for the payable to SAIF Corporation in the amount of \$16,343.91 for workers compensation coverage. Previously the county paid the annual premium to SAIF Corporation for workers compensation coverage. As a result of an audit of the payroll, there was an adjustment to the premium. The additional amount is before the Board for review and approval.

Commissioner Shafer moved to approve the payable as outlined. Seconded by Commissioner Timmons. Carried, 3-0.

7. HR Policy - Presented by Doug Olsen, County Counsel. Adoption is sought for County Policy 4.2b to implement Oregon's new Paid Leave program. Commissioner Timmons asked if this additional time? Mr. Olsen said that it only pays a certain portion and comes out of a state pool, but the county will have employee utilize their paid leave to reach 100% if they have that leave to use. Commissioner shared that she thought it is interesting that an employee only has to be an employee for 90 days to be able to utilize this. This is part of the state law.

Commissioner Shafer moved to adopt County Policy 4.3b in accordance with Paid Leave Oregon effective immediately. Seconded by Commissioner Timmons. Carried, 3-0.

8. Board Payment - Presented by Chair Dorran. Approval is sought for the payment to Columbia Development Authority in the amount of \$5,569.34 for the quarterly billing. The billing includes the county portion of the non-federal grant match. **Commissioner Shafer moved to approve the payment to Columbia Development Authority in the amount of \$5,569.34. Seconded by Commissioner Timmons. Carried, 3-0.**
9. Nolan Hills Appeal - Presented by Doug Olsen, County Counsel. At its meeting on July 19, 2023, the Oregon Energy Facility Siting Council heard the objections filed by the County regarding the Nolan Hills project. At that time, EFSC approved the certificate for the project, and the final order is awaiting signature. An appeal to the Oregon Supreme Court on that decision must be filed within 60 days of the signed order. To provide adequate time for counsel to prepare the appeal documents, it is requested that the Board indicate its intent whether to appeal the matter further.

Chair Dorran added that one of the things that is left out of this decision is EFSC was given more statutes, in 1975 driven by the desire to natural gas to be sited as energy inducing. What are our chances of prevailing? Think it is very slim. There are three options, commissioner should get to vote on this, when he weighs the pros and cons. If I vote yes than what projects are we not going to be paying for, this is a cost issue, a no vote would like to see us invest time and money in a legislative solution, the odds are not with us but are in the House, have the ability to achieve compliance with economic pressure, have heard no objections from the people that live next to this project, have a hard time challenging private land owners

Commissioner Shafer think it is a bigger than that, if we do nothing than there is a precedent set, hopefully get changed. Commissioner Timmons said that we could go to the Supreme Court but also go to the legislature.

Sunni Danforth - 225 Maple Ave Milton Freewater, OR - take it to the supreme court

Ann Jolly- 225 Maple Ave Milton Freewater, OR - would like you to take it to the supreme court, doesn't just affect Umatilla County, we have complied with that, now for them to just overrule it , feel like it can be won

Marlene McClintock- 85175 HWY 339, Milton Freewater, OR- take it to the court, they are waiting to fill it out around here, take it to the supreme court

Richard Jolly- Weston Oregon- some of the residents that you think have been impacted, have you talked to them yourself, think that you should take them to the supreme court.

Commissioner Shafer moved to approve to take the appeal to the Oregon Supreme Court and allow the counsel to prepare documents. Seconded by Commissioner Timmons. Carried, 2-1.

Commissioner Reports:

Commissioner Shafer:

Commissioner Dorrان:

Commissioner Timmons:

Meeting adjourned by Chair Dorrان at 10:03 a.m.

Lori Smith

Executive Secretary – Board of Commissioners