

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Meeting of May 5, 2021
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon
Public Call in #: 541-728-0275

Commissioner Present: Chair George Murdock
Commissioners attending remotely: Vice-Chair John Shafer and Commissioner Dan Dorran
County Counsel: Doug Olsen
Guests Present: None in the room
Video link or Calling in: Jennifer Blake, Human Resources Director; Robert Pahl, Chief Finance Officer; Dan Lonai, Administrative Services Director; Planning department: Bob Waldher, director; Gina Miller, staff liaison to SWAC; and Megan Green, Planner; Tom Fellows, Public Works Director [+ see list of video or call-in, copy on file].

CALL TO ORDER: Chair Murdock called the meeting to order at 9:00 a.m. He noted he was taking off his mask + distanced and only three people in the room. He reminded all that the meeting is a public forum and there is a call-in option provided. 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. 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. He noted there is a point for public input before business items for other than agenda items.

Pledge of Allegiance

Awards/Correspondence/Recognition. Commissioner Murdock read a letter of thanks (and invite to attend) from Bennett Cavaletto who will be at the Milton-Freewater Jr. Show this weekend, selling his market lamb “Houdini”. It is his 7th year in 4H and his 1st year in Rising Star 4H. Chair Murdock added a reminder the sale is Saturday and Sunday (May 8-9) on line. The kids work so hard – please support them.

Public Comments – none.

Minutes – Commissioner Shafer moved to approve the Board minutes from the meetings of 4/20/21 and 4/22/21. Seconded by Commissioner Dorran. Carried, 3-0.

Additions to Agenda – Doug Olsen noted a Public Works payable (item #6) and an item at the end, discussion regarding opiate litigation.

Business Items

1. **Development Code Text Amendment – public hearing.** Chair Murdock called the public hearing to order at 9:05 a.m. and read the opening statement regarding Alan & Nan Heilman’s request as property owners, and went on to provide the procedures. The staff report was given by Megan Green, Planner. On 4/21/21 the Planning Commission met to discuss Text Amendment #T-21-084 incorporating the opportunity to partition smaller than 160 acres on Grazing/Farm (GF) Zoned Land. The Commission recommends approval to the Board for final action. The proposed amendment complies with provisions of the applicable County Comprehensive Plan policies. In response to Commissioner Dorran’s question – is there a limited amount of zones that this may be applicable to and will this recommendation blanket those other GF zones, Ms. Green advised this action allow others to submit application to partition if they meet the criteria. The additional text

is added to the development code to provide for the authority, but it would require individual petitions to create the new parcels.

Chair Murdock asked for proponents? None were heard. He asked for opponents? None were heard. He asked for public comments. None were heard. And, Ms. Green noted no other comments had been received by Planning. Chair Murdock closed the public hearing at 9:14 a.m.

Motion was made by Commissioner Dorrان to adopt Ordinance 2021-03. Seconded by Commissioner Shafer. Carried, 3-0.

2. Solid Waste Franchise Renewals. Presented by Gina Miller, Planning Department and staff liaison to the Solid Waste Committee. This is the annual renewal of 10-year franchises, which are recommended to be extended one year. All five franchise holders (which she listed) with separate orders for each, all have submitted fees, are current on their collection percentage rate and all insurance was verified. She introduced Mike McHenry, chair of the committee and owner of Pendleton Sanitary Service. As well as others on-line for any questions. The Committee met 4/13/21 and voted electronically, approving and recommending renewals for final approval to the Board. Commissioner Dorrان commented about proposed legislation and what affect it might have. Mr. Olsen advised, if it is something mandated by the state, all franchisees will have to comply. **Motion was made by Commissioner Shafer to adopt Order No. BCC2021-035 (Desert Wind Inc.). Seconded by Commissioners Dorrان, Carried 3-0. Motion was made by Commissioner Shafer to adopt Order No. BCC2021-036 (Pendleton Sanitary Service Inc.). Seconded by Commissioners Dorrان. Carried 3-0. Motion was made by Commissioner Shafer to adopt Order No. BCC2021-037 (Eastern Oregon Waste Management LLC). Seconded by Commissioners Dorrان. Carried 3-0. Motion was made by Commissioner Shafer to adopt Order No. BCC2021-038 (Pendleton Sanitary Service Inc.- Collection). Seconded by Commissioners Dorrان. Carried 3-0. Motion was made by Commissioner Shafer to adopt Order No. BCC2021-039 (Sanitary Disposal Inc.). Seconded by Commissioners Dorrان. Carried 3-0.** Chair Murdock thanked the franchisees for their participation as well as the members of SWAC for serving.
3. Solid Waste Franchise Transfer. Ms. Miller presented. This is to grant solid waste franchises to a new entity. She introduced parties on-line for questions if needed. At the committee's 4/13/21 meeting, application was considered for transfer of the solid waste collection & disposal franchises from Humbert's Refuse & Recycling to Humbert Refuse (new owner). All requirements have been satisfied by the application and the committee voted to recommend to the Board of Commissioners for final approval. Mike McHenry commented – all requirements have been met and the Humberts will help with that transition to new owners. On the line was Cindy Granger on behalf of Humbert Refuse, who advised the Humbert name will stay. **Motion was made by Commissioner Shafer to adopt Order No. BCC2021-041 (granting solid waste disposal franchise to Sanford & Son LLC dba Humbert Refuse). Seconded by Commissioners Dorrان, Carried 3-0. Motion was made by Commissioner Shafer to adopt Order No. BCC2021-042 (granting solid waste collection franchise to Sanford & Son LLC dba Humbert Refuse). Seconded by Commissioners Dorrان. Carried 3-0.**
4. Road Vacation. Presented by Tom Fellows, Public Works Director. This is for a request to vacate County Road right of way. A petition was received from property owners (via Bob Levy) adjacent to Schmitz Road to vacate the county road. Since all adjoining property owners signed the petition, a public hearing is not needed. He spoke to Mr. Olsen and agreed that all property owners were in agreement to this request. Public Works has submitted a road vacation report and recommends the road be vacated. **Motion was made by Commissioner Dorrان to adopt Order No. RD2021-02 vacating Schmitz Road right of way. Seconded by Commissioner Murdock. Carried, 3-0.**

5. Chip Spreader Repairs. Mr. Fellows presented. This is for authorization to make repairs to the ship spreader. At the end of season last year, they knew repairs would be needed on the chip spreader. As a result of the nature of needed repairs, Public Works completed repairs to the chip spreader through an outside vendor. The request is to approve payment to PacWest Machinery in the amount of \$19,135.37. **Motion was made by Commissioner Dorrn to approve the payment. Seconded by Commissioner Shafer. Carried, 3-0.**
6. Public Works Payable. Presented by Mr. Fellows. This is for approval of a payable submitted by the Public Works Department. During blade work on a road, the operator clipped a power pole. This is payment for the cost of replacement. In response to Commissioner Dorrn's question, he advised he is checking into insurance coverage of some kind, but it is not known yet what amount, if any, is available. **Motion was made by Commissioner Shafer to approve the payable to Pacific Power in the amount of \$13,939.03. Seconded by Commissioner Dorrn. Carried, 3-0.**
7. Advertisement Campaign. Joe Fiumara, Public Health Director, presented. The request is to approve contract for advertisement campaign. Funding (grant) is received from OHA to promote awareness and reduce the stigma of prescription overdoses in the regional area. The contract will be with Elkhorn Media Group at the rate of \$1,500/month for 12 months and will be paid out of the grant funding provided by OHA. **Motion was made by Commissioner Shafer to approve and authorize the contract and payment. Seconded by Commissioner Dorrn. Carried, 3-0.**
8. Public Health Payable. Mr. Fiumara presented. This is for approval of a Public Health payable. UCo Health is completing its annual accreditation with the Public Health Accreditation Board. In February of 2020, his office had started the 12-month process of document collection, but then COVID hit. An extension was requested and approved. The request today is to approve payment in the amount of \$5,600 for the annual accreditation fee. It is split out across programs with different funds to be used. **Motion was made by Commissioner Dorrn to approve the payment. Seconded by Commissioner Shafer. Carried, 3-0.**
9. Emergency Declaration Extension. Presented by Doug Olsen. For consideration by the Board is another extension of the COVID emergency declaration. Due to the COVID-19 outbreak, the Board declared a State of Emergency within the county on 3/18/20. It is currently set to end 5/5/21. The declaration will provide the county to continue its flexibility in responding to the pandemic, specifically in emergency procurement and personnel. A proposed order would extend it to 7/7/21. This is separate and apart from the Governor's action for emergency. **Motion was made by Commissioner Dorrn to adopt Order No. BCC2021-043. Commissioner Shafer commented: his reservation and concern is how in good faith can he vote to extend the emergency while at same time request has been made to the Governor to return to local control. There was no second.**

Chair noted discussion is open. Mr. Olsen responded to Commissioner Shafer: if the county decides it is not willing to declare emergency at local level, the Governor can consider that if she wants to delegate anything to locals. He reiterated – if the Board doesn't think there is a local emergency, how much weight do they think the Governor will give in considering a request to delegate local control to response to an emergency. Commissioner Shafer doesn't have much faith in the Governor either way. Commissioner Dorrn felt that Umatilla County and more have asked for the ability to have local control. We are now 15 months into the emergency – aren't sufficient policies and protocols in place? Mandates are from the state, not the county – and that will continue. Our ability to respond to an emergency he felt things are in place and didn't want to dilute the meaning of the emergency order. The longer we go, the more diluted and vague an emergency order becomes. Unless he can be convinced otherwise, he's not sure the emergency order puts the county in a stronger position.

Commissioner Shafer asked Mr. Fiumara if this order would help or hinder? He didn't believe the declaration has changed how the Health department is operating except the ability to make larger expenditures right away vs. waiting. Short turn-around was very helpful, especially early on for adjustments. That is less of an issue now. Nothing else regarding response would change if the declaration goes away. There is already authority to do required work.

Mr. Olsen, for follow up, advised most of the authority for the current health uses comes through State of Oregon emergency. But, if that goes away, it will have to be handled at the local level with Board decisions and authority. Robert Pahl asked about funding streams – he is concerned if the county chooses to not be in state of emergency, would funding streams be impacted? And, Chair Murdock, commented if the State of Oregon is in emergency, that includes us (the county)? Mr. Olsen responded, correct. But it's not clear what the impact would be if the county is in a non-emergency. What about unintended consequences? He was not sure if funding would be available for certain entities (without an emergency declaration in place).

The motion was seconded by Commissioner Shafer, adding he didn't want any entity to lose out on opportunity for funding if we didn't extend the county emergency – that is the only reason he's seconding. Chair Murdock also added it doesn't preclude our desire to have local control returned; he acknowledged damage to the economy, negative impact to schools and the wish to return to local control as soon as possible. Commissioner Dorrn didn't have enough information with the additional language to vote now. Commissioner Shafer – yes. Chair Murdock – yes. Commissioner Dorrn abstained. Carried, 2-0.

10. Over Hire Patrol Division. Sheriff Rowan presented. This request is for approval to recruit and over-hire in the patrol division, effective 7/1/21. A senior deputy has announced retirement for 10/31/21 and it is desired to hire to fill the position for four months of training leading up to that departure. This has been discussed with liaison Commissioner Dorrn. He also noted 2 new deputies who are currently at academy and then will be in training. It all takes time. **Motion was made by Commissioner Dorrn to approve. Seconded by Commissioner Shafer.** Commissioner Dorrn thanked Sheriff Rowan for his comments. In addition, as we look forward to this fall, it is critical to have adequate patrol for security -- especially with Round-Up coming. **Carried, 3-0.**
11. Data Center System Purchase. Presented by Dan Lonai, Administrative Services Director. The datacenter system is over six years old and needs to be upgraded before it is no longer supported by Dell. The current system is not compatible with any new financial system the county is in the process of planning to purchase. He also talked about courthouse system plus jail, corrections, etc. Redundancy is set up, but replacement is needed with the age of the current system. The new center will include Dell's Data Protect system to backup and secure data from cyberattacks (40% of the cost is the back-up portion). Request is made to approve purchase of a new courthouse datacenter and Data Protect system in the amount of \$179,999. Commissioner Shafer asked about upgrading to a 2019 platform – that's already two years old. Mr. Lonai advised that is software, but this is the newest system. Mr. Lonai added one server at the Sheriff's office is two years newer than the courthouse system and that replacement will be requested in next couple of years. He wants to implement this system before the new financial system is implemented. **Motion was made by Commissioner Shafer to approve the purchase. Seconded by Commissioner Dorrn. Carried, 3-0.**
12. Director's Hold Update. Presented by Mr. Olsen. Lifeways is requesting to update its employees to qualify for authority to exercise "Director's Hold." This is an update – last one was done several years ago, 8 were removed and 2 added. **Motion was made by Commissioner Shafer to adopt Order No. BCC2021-044. Seconded by Commissioner Dorrn. Carried, 3-0.**

13. Supplemental Budgets – Public Hearing. Chair Murdock opened the public hearing at 9:55 a.m. The staff report was presented by Robert Pahl, Chief Finance Officer. There were six supplemental budgets, Budget Orders numbered: Order 2021-40 (General Fund – Communicable Disease) requires increases in State Revenue of \$760,000, in Personnel Services of \$347,000, and in Materials & Services of \$413,000. Order 2021-43 (Human Services: School Based Mental Health Program) requires increases in Beginning Cash of \$44,000, in Materials & Services of \$6,000, and in Contingency of \$38,000. Order 2021-44 (Human Services: Mental Health Reserve) requires increases in Transfers In of \$250,000 and in Contingency of \$250,000. Order 2021-45 (Human Services: Mental Health Administration) requires increases in State Revenue of \$415,000 and in Materials & Services of \$415,000. Order 2021-49 (Stimulus Reserve) requires increases in State Revenue of \$7,500,000 and in Contingency of \$7,500,000.

Chair Murdock asked for public comments or questions. Regarding the \$7.5 million, Mr. Pahl advised he hadn't but notified, but it should be received in the next 4-7 days – for sure before the end of fiscal year. Discussion about funding – is it a federal grant? Not coming through the state? Mr. Pahl advised he'll handle the transfer with funding to be coming direct from the federal government. Chair Murdock closed the public hearing at 10:00 a.m. Deliberations. None.

In the matter approving Supplemental Budgets pursuant to ORS 294.471 for FY ending 6/30/21:
Commissioner Shafer moved to adopt Budget Order No. 2021-40 (Program 5513 – General Fund-Communicable Disease Program). Seconded by Commissioner Dorran. Carried, 3-0.
Commissioner Dorran moved to adopt Budget Order No. 2021-41 (Program 9001 – General Fund: General County). Seconded by Commissioner Shafer. Carried, 3-0.
Commissioner Dorran moved to adopt Budget Order No. 2021-43 (Program 5429 – Human Services-School Based Mental Health Program. Seconded by Commissioner Shafer. Carried, 3-0.
Commissioner Dorran moved to adopt Budget Order No. 2021-44 (Program 5450 – Mental Health Reserve). Seconded by Commissioner Shafer. Carried, 3-0.
Commissioner Shafer moved to adopt Budget Order No. 2021-45 (Program 5488 – Human Services-Mental Health Administration Program). Seconded by Commissioner Dorran. Carried, 3-0.
Commissioner Dorran moved to adopt Budget Order No. 2021-49 (Program 9190 – Stimulus Reserve). Seconded by Commissioner Shafer. Carried, 3-0.

Budget Transfers. Presented by Mr. Pahl. There were four budget transfers: Budget Order 2021-39 (General Fund: Surveyor) requires an increase in Materials & Services of \$10,000 and a decrease of \$10,000 in Contingency. Order 2021-42 (Human Services: SE63 Peer) requires an increase in Materials & Services of \$15,000 and a decrease of \$15,000 in Contingency. Order 2021-46 (Capital Project Funds: Facilities Reserve) requires an increase in Capital Outlay of \$850,000 and a decrease of \$850,000 in Transfers Out. Order 2021-48 (GIS: Equipment Reserve) requires an increase in Materials & Services of \$2,000 and a decrease of \$2,000 in Capital Outlay.

In the matter approving a Budget Transfer pursuant to ORS 294.463 for FY ending 6/30/21:
Commissioner Shafer moved to adopt Budget Order No. 2021-39 (Program 4564 – General Fund - Surveyor). Seconded by Commissioner Dorran. Carried, 3-0.
Commissioner Dorran moved to adopt Budget Order No. 2021-42 (Program 5420– Human Services-SE63 Peer). Seconded by Commissioner Shafer. Carried, 3-0.
Commissioner Shafer moved to adopt Budget Order No. 2021-46 (Program 9040 – Capital Project Funds-Facilities Reserve). Seconded by Commissioner Dorran. Carried, 3-0.
Commissioner Dorran moved to adopt Budget Order No. 2021-48 (Program 3030 – GIS-Equipment Reserve). Seconded by Commissioner Shafer. Carried, 3-0.

14. Property Conveyance. Presented by Mr. Olsen. Authorization is sought to sell property back to the record owner. The Board has the discretion to sell back to an owner of record for not less than the amount of delinquent property taxes -- in this case, \$2,775. This will be last request for property conveyance this year. All other property went out for auction yesterday. **Motion was made by Commissioner Dorran to adopt Order No. TX2021-05. Seconded by Commissioner Shafer. Carried, 3-0.**
15. Hermiston Payment. Presented by Commissioner Dorran. Approval is sought for a payable to the City of Hermiston. The county participates with a lot of different communities. Branding and marketing are very important issues. This particular arrangement is a joint marketing agreement with the City of Hermiston to develop an identify package to help promote awareness of the community and the county as partners. Funding is from the county's community services development fund. **Motion was made by Chair Murdock to approve the payment of \$10,000 to the City of Hermiston. Seconded by Commissioner Shafer. Carried, 3-0.**
16. Opiate Litigation. Mr. Olsen presented. Ten counties in Oregon have sued the opiate manufacturers and distributors over their activities that have caused the opiate addiction crisis happening across the nation. It would be helpful if all counties in Oregon would agree to be bound by litigation and participate in the settlement. **Commissioner Shafer moved to approve the County participating and being bound by the current opiate litigation settlement. Seconded by Commissioner Dorran. Carried, 3-0.**

Executive Session – none.

Commissioners' Comments

Commissioner Dorran - none.

Commissioner Shafer – commented about looking on-line for the news story of the CNN interview of Commissioner Murdock and Joe Fiumara done last Friday and was to be aired, but was not able to find it.

Chair Murdock asked Commissioner Dorran to elaborate about branding. He advised he is looking into signage marking welcome to Umatilla County. He would like to work on a project to create welcome to the county signs, similar to those of individual communities, if it is agreed.

Chair Murdock noted the next Board of Commissioners' meeting will be in room 130 with all three commissioners present, although the courthouse is still generally closed, except for appointments.

Commissioner Shafer thanked Mr. Lonai for the link to the CNN story.

The meeting adjourned 10:12 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary, Umatilla County Board of Commissioners