

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**

Meeting of April 1, 2020  
9:00 a.m., Room 130, Umatilla County Courthouse  
Pendleton, Oregon  
*Public Call in #: 541-728-0275*

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**Commissioners Present:** Chair John Shafer, Vice-Chair George Murdock, and Commissioner Bill Elfering

**County Counsel:** Doug Olsen

**Members and Guests Present:** Gail Nelson, Economic Development Coordinator; Alex Castle, East Oregonian. *By phone call-in:* Tom Fellows, Public Works Director; Bob Waldher, Planning Director; Paul Chalmers, Assessment & Taxation Director

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**CALL TO ORDER:** Chair Shafer called the meeting to order at 9:00 a.m. He advised the meeting is closed to the public except the press; however, the general public may call in at the phone number provided above. The meeting is being video and audio recorded and minutes will be taken. If you have something to say, 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** was led by Commissioner Shafer.

**Awards/Correspondence/Recognition** – Employee of the Quarter presented by Chair Shafer. Congratulations to LG Bullock, Public Works-Road Department. He has been a county employee since 9/2004. He is a bridge/crusher foreman. The Commissioners received a letter in March from a citizen after the recent floods about him. LG Bullock made citizens the priority – his hard work and great competence were (and are) impressive and very much appreciated! He will be presented with the Certificate of Excellence and his 8 hours paid time off slip as soon as possible.

**Minutes** – Commissioner Elfering moved to approve the Board minutes from the meetings of 3/11/20 and 3/18/20. Seconded by Commissioner Murdock. Carried, 3-0.

**Additions to Agenda** – Doug Olsen added Umatilla County Fire District #1 Annexation.

**Public Comments** – none.

**Business Items**

1. **Livestock Road Legalization – Continued Public Hearing.** Chair Shafer called the public hearing to order at 9:02 a.m. Mr. Olsen advised a public hearing was opened on 2/5/20 and some testimony was heard along with questions regarding potential ramifications of legalization. The public hearing was continued to 4/1 to research the questions raised. Now, with the health emergency, the public hearing is proposed to be continued to May 6. **Motion was made by Commissioner Murdock – the hearing will be continued to 5/6/20, 9 a.m. Seconded by Commissioner Elfering. Carried, 3-0.**
2. **Road Department Payable - Rock Material.** Presented by Tom Fellows, Public Works Director, via phone. This is for rip rap purchased from Rod Anderson for bank protection. There may be one or two more purchases needed moving forward, but this is probably the bulk of it. In response to Commissioner Elfering’s question re: reimbursement, Mr. Fellows advised this is on-system road, so it will be federal

highway money; depending if it is permanent repair vs. emergency repair, it would be reimbursed 100% or 89%. But the bill is to be paid now. **Motion was made by Commissioner Elfering to approve the payable to Rod Anderson Construction for \$20,051.66. Seconded by Commissioner Murdock. Carried, 3-0.**

3. Road Department Payment - Engineering. Presented by Mr. Fellows. This is for repairs to Dorothy Bridge (on Walla Walla River Road), construction engineering services by Anderson-Perry & Associates. Commissioner Murdock commented even after recent visit (last week), destruction is diminishing. **Motion was made by Commissioner Murdock to approve payment of \$8,938.50. Seconded by Commissioner Elfering. Carried, 3-0.**
4. Road Department Payment – Columbia County. Presented by Mr. Fellows. This payment is for the labor and equipment provided by Columbia County. The crew was here for well over two weeks along with numerous pieces of equipment for emergency road repair. The entire bill is \$102,372.31. They were incredible help and we wouldn't be where we are now without their assistance. **Motion was made by Commissioner Elfering to approve payment to Columbia County Public Works for \$102,374.31. Seconded by Commissioner Murdock. Carried, 3-0.**
5. Harris Park Payable - Line Repair. Presented by Mr. Fellows. The payable is before the Board due to the amount is for electrical work at Harris Park. Originally, Umatilla Electric Co-Op thought it would be May before they could do repairs; however, they have been able to get the work done, plus making it underground vs. overhead, which is better for the future. **Motion was made by Commissioner Murdock to approve payment of \$13,443. Seconded by Commissioner Elfering. Carried, 3-0.**
6. Harris Park Payable - Bridge Repair/Excavation. Presented by Mr. Fellows. This includes two payments to Don Jackson Excavation. It is for work on and around Harris Park. Mr. Jackson actually donated another \$8,000 to the park, which has been deducted from the bill amount. He is a big community supporter in that area. The total is amount of \$33,914.77 **Motion was made by Commissioner Murdock to approve payment to Don Jackson Excavation for \$33,914.77. Seconded by Commissioner Elfering. Also, part of the motion the Commissioners would like to send a letter from the Board acknowledging Mr. Jackson's donation and a big thank you! Carried, 3-0.**

(Chair Shafer reminded those calling in about muting their phones. He has the ability to do that from his laptop. So, if someone wants to speak, they should unmute their phone.)

7. Harris Park Payment - Electrical Repair. Presented by Mr. Fellows. This is to Blue Mountain Electrical for electric repair services at Harris Park. \$16,695 was the bid and approved by Chair Shafer on an emergency basis. In response to Commissioner Elfering's question, Mr. Fellows advised the park clean-up is going well. Once electricity is up and running, they can look at water systems, which will need repair. All in all, the park looks good compared to three weeks ago. He is not sure if it will be up and running this year – maybe in June. The temporary bridge will be in place – there is no way for the permanent bridge to be in until August or September. The temporary bridge came from Lane County – the load rating is unknown, but they hauled 200 ton of rip rap across it, so it is working just fine. **Motion was made by Commissioner Elfering to approve payment to Blue Mountain Electric in the amount of \$16,695. Seconded by Commissioner Murdock. Carried, 3-0.**
8. Courthouse Access Order Update. Presented by Mr. Olsen. The previous access order restrictions were adopted in 2007. With screening now being moved to the first floor, security staff and the courts are requesting that the order be updated to reflect that all persons entering the courthouse will be screened and go through the metal detector. The order is proposed to take effect 4/1/20. Chair Shafer recommended not implementing until the screening station is in its permanent position. Work is underway now on the front main entrance. Timeframe to implement was discussed and possibly to amend the order. It was decided to

leave it effective 4/1. **Motion was made by Commissioner Murdock to adopt Order No. BCC2020-024. Seconded by Commissioner Elfering. Carried, 3-0.**

9. AWERE Grants. Presented by Bob Waldher, Planning Director, (on the phone). The committee met last week and recommends 10 grants to fund (of the 12 received). With \$141,000 to work with, there was a total requested of \$172,000. Therefore, the committee funded all applications in full except one – the City of Athena for Weston-McEwan high school softball field restrooms/concessions. Adjustments were made for funding recommendations. He also explained the Athena Elementary cook stove application was pulled and went to another source. **Motion was made by Commissioner Murdock to adopt Order No. BCC2020-021. Seconded by Commissioner Elfering. Carried, 3-0.** In addition, Chair Shafer commended the committee for their hard work and meeting with the required socially distancing.
10. Census Day Proclamation. Presented by Mr. Waldher. April 1 is Census Day. Changes were needed due to the coronavirus outbreak. With many staying home, it is encouraged to use the online reporting. The last three days were to be dedicated to homeless count and group enumeration, however, it has been pushed out several months to August 14 (it was 7/31). Chair Shafer commented about the EO article of homeless staying at the Marigold Hotel in Pendleton. Mr. Waldher advised he would check into enumerators being available to work on that. He also noted about 38% in Oregon have responded and Umatilla County is about 28.5%. Efforts with the Complete Count Committee will happen over next few weeks. They have been working with PAC West for a process of distributing information through schools and a mailer went out to PO boxes. Numbers should pick up with increasing awareness. **Motion was made by Commissioner Elfering proclaiming 4/1/20 as official observance of Census Day and to adopt Order No. BCC2020-023. Seconded by Commissioner Murdock. Carried, 3-0.**
11. Administrative Services Payable - Elevator Maintenance. Presented by Mr. Olsen. This is a regular payable for maintenance on the elevator at the Stafford Hansell building in Hermiston and is budgeted. The amount is \$6,834.78 to Otis Elevator Co. **Motion was made by Commissioner Elfering to approve the payment. Seconded by Commissioner Murdock. Carried, 3-0.**
12. Tax Appeal Reserve Account Update. Presented by Paul Chalmers, Assessment & Taxation Director. via phone. Two accounts were appealed several years back -- this one is for Charter Communications. There is a 7-year history of tax liability; the County is looking to set aside about \$2 million. The process will be started first trimester in 2020 (September). He is looking at a worst case scenario to be conservative, and he is having trouble getting information from the Oregon Department of Revenue.  
  
In response to Commissioner Elfering's question as to say how this came about, Mr. Chalmers advised that Charter Communications feel they are being valued inappropriately. They went to the Supreme Court and were referred back to tax court for further deliberation. Communication companies don't consider themselves entertainment. However, they have added a package of three things that appear to be entertainment. At any rate, the County focus is to protect taxing districts from liability. He is hopeful for the intent to not adversely affect the County's taxing districts. This has been in process since 2009. Mr. Olsen noted the Board adopted an order in 2011 creating a tax reserve account and now it is necessary to establish an increased amount. **Motion was made by Commissioner Elfering to approve and adopt Order No. TX2020-03. Seconded by Commissioner Murdock. Carried, 3-0.**
13. Behavioral Health Services RFI. Presented by Mr. Olsen. Authorization is sought by Human Services to issue a Request for Information, which is less formal than a Request for Qualifications or Proposals. This will be used to determine what providers are available and interested in providing behavioral health services in the county. **Motion was made by Commissioner Murdock to approve. Seconded by Commissioner Elfering. Carried, 3-0.**

14. COVID-19 Emergency Leave Policy. Presented by Mr. Olsen. As a result of passage of federal Families First Coronavirus Response Act, a policy is needed to incorporate the new provisions into the county personnel policies. He outlined it including usage and restrictions and noted this is only for COVID 19 emergency leave. **Motion was made by Commissioner Murdock to approve and adopt Personnel Policy 4.3(B) and authorize the Chair to sign. Seconded by Commissioner Elfering. Carried, 3-0.**
15. COVID-19 Business Relief Grant Program. Presented by Gail Nelson, Economic Development Coordinator. Normally, economic development grants are budgeted funds in quarterly amounts. The Committee recommends suspending that usual program to go to emergency relief for small businesses county-wide. She is still working on the framework in conjunction with other available sources. Overall, the request is for authorization to release \$68,000 to this small business emergency grant program. Chair Shafer advised that after discussion with communities, it was suggested to set aside funds countywide. Ms. Nelson added consideration of population as well as dividing out a percentage so all businesses in each community have an opportunity to apply. Also, the application will have some time (one to two weeks) to respond to be fair and to use more of a lottery deal (versus first come first served). Chair Shafer pointed out not all have access to internet. He reiterated the importance of opportunity for all.

Commissioner Elfering added there may be a way to tie to potential grant funds from the federal government, but eligibility is unknown at this time. Commissioner Murdock noted more and more information is defining support programs available to businesses. With oversights, there is need to fill a gap. He urged careful consideration of types of businesses to include (sole proprietor, e.g.). **Motion was made by Commissioner Murdock to approve the grant project. Seconded by Commissioner Elfering. Carried, 3-0.**

16. Auditing Services Contract. Presented by Mr. Olsen. Approval is sought to extend the current contract for auditing services with Barnett & Moro for three fiscal years. The Finance Office recommends proceeding with renewal. **Motion was made by Commissioner Elfering to approve. Seconded by Commissioner Murdock. Carried, 3-0.** Commissioner Murdock noted recognition of the quality of Barnett & Moro's service. Thank you.
17. Vehicle Purchase. Presented by Mr. Olsen. Approval is sought for the purchase of a new vehicle. This would be a van for use by Administrative Services and A&T Departments. It is a 2019 Dodge Grand Caravan, through the Enterprise Fleet Management Program. **Motion was made by Commissioner Elfering to approve the purchase. Seconded by Commissioner Murdock. Carried, 3-0.**
18. Emergency Purchases. Presented by Mr. Olsen. Commissioner Murdock advised he will abstain from the vote. Due to COVID 19, approval is sought to delegate emergency procurement authority to Commissioner Murdock and Robert Pahl, CFO. **Motion was made by Commissioner Shafer to approve the delegation. Seconded by Commissioner Elfering. Carried, 3-0.** Comment/question by Commissioner Elfering: what is the need? Chair Shafer noted after the report from Dr. Hitzman earlier in the week, the County needs to be able to move quickly -- in particular relating to PPE (personal protective equipment). And, Commissioner Murdock advised it is likely a small window of opportunity to purchase the needed equipment.
19. Budget Message. Presented by Commissioner Murdock. Changes to the budget message were made due to COVID 19. The County is looking to approve the budget April 23-24. With uncertainties of state grant funding as well as flow of funds from property taxes or other funds, the message now includes provisions, with preliminary approval later this month, the County needs to restrict growth of the budget and not consider a number of other possibilities until after the financial picture is clearer. In addition, he asks that all three Commissioners sign the budget message where he normally signs it as budget liaison

commissioner. **Motion was made by Commissioner Shafer to approve the budget message. Seconded by Commissioner Elfering. Carried, 2-0. Commissioner Murdock abstained.**

20. Cook's Consulting Contract. Presented by Mr. Olsen. This relates to the Ordnance Pipeline project and a proposed consulting contract for construction of the pipeline. It is getting closer to construction phase. This contract will help with the development phase by J. R. Cook from this point forward. **Motion was made by Commissioner Murdock to approve. Seconded by Commissioner Elfering. Carried, 3-0.**
21. Levee Repair Funding. Presented by Mr. Olsen. This is a proposed agreement with the state to provide funding for repairs to the levee. This is for repairs to the Zone 2 levee in Pendleton resulting from the February flood. With funding coming from the Oregon Business Development Department, contingencies were included to address, particularly, that the levee be available for 10 years and be maintained. Along with the City and Umatilla River Water Control District, the county would maintain its interest (which is minimal). In response to Commissioner Elfering's question, Mr. Olsen advised it is minimal financial impact to the county. The levee has two purposes -- agricultural and residential. The water control district is seeking to assess a permanent tax rate (about \$10,000) to maintain the levee. If that is not sufficient, there may be potential liability for the county and the city. **Motion was made by Commissioner Elfering to approve the intergovernmental agreement. Seconded by Commissioner Murdock. Carried, 3-0.**
22. Parkinson's Awareness Month Declaration. Presented by Commissioner Elfering. A request came in for a declaration for Parkinson's Disease Awareness for the month of April. He elaborated about numbers, awareness, treatment, etc. for the future. **Motion made by Commissioner Elfering to approve and adopt Order No. BCC2020-022. Seconded by Commissioner Murdock. Carried, 3-0.**
23. Board Meeting Schedule. Presented by Mr. Olsen. This is to reset the regularly scheduled Board meeting July 15 to July 22 due to Commissioners attending the National Association of Counties annual conference. **Motion was made by Commissioner Murdock to approve. Seconded by Commissioner Elfering. Carried, 3-0.**
24. Umatilla County Fire District #1 Annexation. Mr. Olsen presented. A petition was received from property owners in the Hat Rock and Salmon Point areas for annexation to the Umatilla County Fire District #1. The next step is for the Board to set a public hearing on the petition. **Motion was made by Commissioner Murdock to approve and adopt Order No. BCC2020-025 (setting the public hearing on May 6, 2020). Seconded by Commissioner Elfering. Carried, 3-0.**

Executive Session – none.

Commissioners' Reports – none.

The meeting adjourned at 10 a.m.

Respectfully submitted,

*Melinda Slatt*

Executive Secretary, Umatilla County Board of Commissioners