

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Board of Commissioners' Meeting of March 20, 2013  
9:00 a.m., Room 114, County Courthouse  
Pendleton, Oregon

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**COMMISSIONERS PRESENT:** Larry Givens, Chairman; Bill Elfering,  
Vice Chairman; Dennis Doherty, Commissioner

**COUNTY COUNSEL:** Doug Olsen

**MEMBERS & GUESTS PRESENT:** Connie Caplinger, Umatilla County Executive Assistant;  
Karie Walchli, Umatilla County Tourism Committee; Kathy Lieuallen, Umatilla County Department of Law  
Enforcement 9-1-1 Dispatch manager; Jerry Cope, AWERE Benefit Plan Board Chairman; Phil Wright, East  
Oregonian Reporter; Bob Heffner, Umatilla County Budget Officer; Jack Esp, Candidate for Umatilla County  
Commissioner Position 1; Dan Lonai, Umatilla County Administrative Services Director; Sterrin Holcomb,  
Umatilla County Department of Law Enforcement Civil Division manager; Shawn Halsey, Umatilla-Morrow  
Radio and Data District Executive Director; Larry Widner, South Fork of the Walla Walla River Road  
Landowners Association member; Jack Wallace, South Fork of the Walla Walla River Road Landowners  
Association member; John Ehart, South Fork of the Walla Walla River Road Landowners Association  
member; Steve Anderson, Umatilla National Forest Road Manager

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**CALL TO ORDER**

The meeting was called to order at 9:02 a.m. Chairman Givens reminded all present that the meeting is a public forum.

**BUSINESS ON AGENDA**

**Approval of Minutes:** The minutes of the February 20, 2013 Board of Commissioners' meeting were circulating and the March 13, 2013 Board of Commissioners' meeting were in final proofing.

**Additions to the agenda:**

- Cogent fingerprint scanner
- AWERE grants
- Appointment to Fair Board
- Annual payment to Saga City request for EOVA publication ads

**Public Input:** None.

**Consent Agenda:**

1. Authorization of advance per diem for Donald Smith, Michael Graber and Anthony Roa

2. Authorization of retro payroll change notice for John McCullough
3. Authorization of payment to Apollo Heating and Air Conditioning - \$4506.36
4. Authorization of AOC dues payment -\$17,807.79

**Commissioner Elfering moved to approve the consent agenda as presented. Commissioner Doherty seconded and the motion carried 3-0.**

**Agenda Items:**

1. **Parenting Education Week proclamation:** Commissioner Elfering, in the matter of proclamation of Parenting Education Awareness Week, moved approval of Order Number BCC-2013-035. Commissioner Doherty seconded. Commissioner Elfering commented that the proclamation was the result of a request from Head Start at the West End Mayors' meeting at the beginning of the month. Commissioner Givens emphasized the line items in the body of the proclamation outlining the impact of parenting on childhood development. **Question was called and the motion carried 3-0.**

2. **Records management system discussion:** Doug Olsen described the topic as a records system for the computer aided data (CAD) management system and that it was brought before the board at the request of a number of the local law enforcement agencies. The proposal would replace the current CAD system and create uniformity between Umatilla and Morrow Counties.

Kathy Lieuallen reported that 10 agencies banded together to go out for an RFP. One of them, Hermiston was not currently on the system and would like to join the interoperability process. Chief Stokoe from the Boardman police department had taken the lead in developing the RFP. The agencies had reviewed three demonstrations from vendors who would like to bid and a committee of the agency heads reviewed the proposal specifications. Doug Olsen revised the RFP that was originally proposed after the agency heads developed it. The RFP deadline was April 12<sup>th</sup>.

Commissioner Givens asked if there were any estimates on the cost for the system. Kathy Lieuallen replied that the current amount looked to be \$787,313 total with Umatilla County sharing \$343,102 of it.

Doug Olsen clarified that the dispatch center had about a one half share. Kathy Lieuallen explained that the share was approaching one half due to the infrastructure needed at the dispatch office.

Commissioner Elfering asked what type of information did the current system not share with Hermiston. Kathy Lieuallen explained that because Hermiston's system was not compatible there was no opportunity to share information. For example, a deputy would respond to a call and then prepare a report while a Hermiston officer who responded to same call and prepared a report should be able to share the reports, but there was no interconnection to share that information securely. All information would be capable of being shared in the new system.

Commissioner Elfering asked about the funding availability for the purchase. Kathy Lieuallen answered that the city of Hermiston was responsible for \$124,000 and, likewise, Pendleton was to contribute a similar amount.

Commissioner Elfering asked if there was any re-sale or salvage value in the equipment. Kathy Lieuallen

explained that the hardware would still be used.

Dan Lonai commented that the IT staff had not been involved in the process and, in fact, recently found out about the discussions. He pointed out that the current system did not allow the services to be used simultaneously, which would require the purchase of new servers for the new system so that the old one could remain operational during the installation phase of the project. He was concerned about the conversion portion of the RFP which, he cautioned, may result in the current information not being transferred.

Commissioner Doherty commented that he did not think his questions could be answered at the meeting because the district put the project together. He further commented that it seemed to be put together to integrate others' needs and that it would possibly be important to serve the public needs.

Commissioner Givens commented that as it was the radio district going out for proposal, it was his opinion that they did not need the Board of Commissioners authorization for that. Doug Olsen agreed and Shawn Halsey reported that the RFP was posted the previous Friday. He pointed out that the fact that an RFP was issued did not mean that the district had to award a contract. For that to happen there would need to be an agreement between all agencies' parent organizations. The plan was that the district was to pay for the system and then, the cooperating agencies would reimburse their share to it. He reported that May 8<sup>th</sup> was the drop dead date for the commitment. The proposal was put forward by the law enforcement administrators' association.

Commissioner Givens commented that neither the radio district nor the sheriff had the cost in their budgets. Commissioner Doherty believed that the project was something the sheriff would support, but it was not likely that he had looked into the budget.

3. **Ratification of Walla Walla Metropolitan Planning Organization:** Commissioner Givens opened the public hearing at 9:24 a.m. by reporting that although the IGA was previously ratified, the Washington Attorney General wanted wording changed after the process was complete. So, the IGA, with the changes requested, was returning to the local government agencies for ratification again.

Doug Olsen confirmed that it had been reviewed by all the agencies and was ready for ratification. Commissioner Givens asked if Milton-Freewater was supportive and whether it had ratified the revised agreement. Doug Olsen replied that the council had not yet met, but the city was supportive of the agreement.

Commissioner Doherty commented that if none of the parties objected to the language change, he would defer to Commissioner Givens in a determination to ratify the revised IGA and asked if he had issue with any of the changes. Commissioner Givens stated that he did not and felt that the changes did not affect the working portions of the agreement. He gave a brief history of the development of the organization's IGA.

Commissioner Givens opened the floor to public comment at 9:30 a.m. Phil Wright asked what would happen if the county did not ratify the agreement. Commissioner Givens explained that the federal highway funds for the county would be jeopardized. With no further public comment, the floor closed at 9:31 a.m. **Commissioner Doherty, in the matter of adoption of ordinance ratifying the creation of an Intergovernmental entity known as the Walla Walla Valley Metropolitan Planning Organization, moved adoption of Ordinance 2013-03. Commissioner Elfering seconded and the motion carried 3-0.**

4. **Cogent fingerprint scanner**: Sterrin Holcomb reported that the Cogent scanner was an increasingly necessary piece of equipment and was also being used in the courts. The purpose of the scanner was to effectively interface with the Oregon State Police and FBI using clear print images. There had been a need to send prints electronically for some time and that increased exponentially, rapidly becoming a statewide standard. The scanner would produce better prints and was less expensive because the department did not need a printer for it.

Commissioner Doherty complimented the completeness of the packet of information provided for the request and indicated that he was supportive of the request.

Commissioner Elfering commented that with growth of demand, it seemed that the fees had gone up to pay for the system. Sterrin Holcomb pointed out that the fees were set by statute and increase due to demand. However, revenue increased because of the increase in the volume of fingerprint requests.

Commissioner Elfering asked if the department looked at other units. Sterrin Holcomb reported that she had reviewed the systems available and gathered information from her colleagues in the state before determining that the requested scanner was the most compatible and cost effective available. Commissioner Elfering asked if she was satisfied with the price of the scanner. Sterrin Holcomb replied that if the department chose a less expensive unit, the quality of the print would be compromised and that the cooperating agencies were dependent upon print quality for accuracy in matching. **Commissioner Doherty moved that the Board approve the request of the Civil division to purchase the Cogent fingerprint scanner in the amount of \$5980. Commissioner Elfering seconded. The motion carried 3-0.**

5. **AWERE grants**: Jerry Cope announced that he was available for questions on the recommendations submitted to the board. He explained that two years previously, the benefit plan board began trying to fund large projects by establishing the future funding needs for larger projects, such as the high school track project, and then set aside funds for smaller projects. The current school track project was expected to serve 70 students and an un-accounted number of community members for their fitness programs.

Commissioner Doherty asked if the committee had a policy regarding the portion of the cost of a project that it would fund. Jerry Cope explained that many of the projects were funded at the 100% level, but that what the board would ask of applicants, who were seeking matching funds, was that they provide the information on the entire project. Commissioner Doherty asked if the track project was expected to be complete within a year or if it was ongoing. Jerry Cope explained that the track project funding was begun 3 years previously and that the district hoped to start the project in late spring and finish by fall, using the district's capital outlay funds to front the costs with the expectation of reimbursement from the AWERE grants. **Commissioner Doherty, in the matter of approval of grants of 2013 Athena-Weston Education and Resource Enhancement (AWERE), moved adoption of Order Number BCC2013-036. Commissioner Elfering seconded. The motion carried 3-0.**

6. **Annual payment to Saga City**: Karie Walchli provided copies of the Eastern Oregon Visitors Association trip planner magazine to the commissioners and introduced herself as not only the county's tourism coordinator, but also the current EOVA board president.

She commented that some years ago, the county had little representation in the trip planner, but over the years its involvement had increased to the point at which it now had 3 pages. The print run for the publication was

set at 100,000 copies, which was distributed throughout the region. She explained the tab markings for the commissioners' copies, indicating that purple identified Umatilla County businesses that purchased ads and orange referred to Oregon's Rugged Country, a combination of Morrow and Umatilla Counties within the EOVA designation. In choosing the publication cover, the association followed trends in the area. With the increase in bicycling events in the area, the association chose a biking cover. Part of the funds request would help to subsidize the smaller ads and the events calendar. The publication did not only feature advertising, but also featured pieces on attractions in the area and, thus, sent out writers to the region to write articles for it. The publication represented 11 counties in the state. On a question from the board, Hulette Johnson confirmed that he was supportive of the request and the program. **Commissioner Elfering moved approval of the amount payable of \$3500 for the advertising. Commissioner Doherty seconded. The motion carried 3-0.**

Commissioner Doherty left to attend another meeting at the conclusion of the topic.

7. **Accept resignation from planning commission member:** Doug Olsen reported that a letter of resignation was received from Frank Kaminski. **Commissioner Elfering moved acceptance of the resignation. Commissioner Givens seconded and the motion carried 2-0.**

8. **Appointment to Fair Board:** Doug Olsen provided a report of the process used in seeking a new member of the fair board subsequent to Billie Jean Morris' resignation. The selection panel, consisting of the commissioners and one fair board member, recommended Stephen D. Anderson for the position after interviewing the 3 remaining candidates after on withdrew the application. **Commissioner Elfering, in the matter of appointment of Stephen D. Anderson to complete term on Umatilla Fair Board, moved approval of Order Number BCC2013-037. Commissioner Givens seconded. The motion carried 2-0.**

**Recess and reconvene:** Because the business items were completed well in advance of the time set for the RS 2477 determination public hearing, the chair recessed the meeting at 9:56 a.m. and reconvened at 10:04 a.m.

9. **RS 2477 determination (Public Hearing Deliberation & Decision) 10:00 a.m:** Doug Olsen began the staff report on the opening of the public hearing at 10:04 a.m., stating that a previous hearing was held on February 6<sup>th</sup> regarding the landowners' request to set the South Fork of the Walla Walla River Road as an RS 2477 road. Since that time, the county received a number of documents related to the subject. The landowners' association counsel provided a copy of a Government Accounting Office report on the RS 2477 designation. The Tribes indicated that they were stepping back from issue. On March 12<sup>th</sup>, the National Marine and Fisheries Service submitted a letter emphasizing that the loss of jurisdiction could impact Endangered Species Act listed species. In response, the landowners provided a copy of a NEPA report with a finding of no impact to the species. The BLM submitted an updated current map with a showing of environmental concern. Commissioner Givens opened the floor for comments at 10:06 a.m.

a. **Larry Widner:** Larry Widner stated that he attended to reiterate that the land owners were asking for the declaration approval based on the historical aspect of the road's use, which he felt was well covered in the February 6<sup>th</sup> meeting.

b. **Jack Wallace:** Jack Wallace pointed out that Congress did provide the option to the public, and if the agencies felt that they had the authorization to trump a Congressional order that was theirs to attempt,

but that the land owners believed otherwise.

c. **John Ehart:** John Ehart commented that it seemed that most laws indicate that landowners' right of reasonable access to their property is granted, which was something the land owners were without as they did not have reasonable access. He would appreciate any help in resolving the problem.

d. **Jack Esp:** Jack Esp stated that he supported the declaration for the simple reason that he was tired of the BLM closing lands that were public.

**Call for opposition or other agencies' input:** Commissioner Givens opened the floor for opposition to the proposal and other agency input at 10:10 a.m. Receiving no other input, he closed the floor at 10:10 a.m.

**Commissioner Elfering moved that the board accept the exhibits as follows: GAO report on RS 2477 designation, letter from the Confederated Tribes of the Umatilla Indian Reservation stating that they were stepping back from the issue, letter from the National Marine and Fisheries Service dated March 12<sup>th</sup>, copy of NEPA report with a finding of no impact to species and the BLM's updated current map with a showing of environmental concern. Commissioner Givens seconded. The motion carried 2-0.**

Commissioner Givens requested a breakdown of the options available to the board regarding the matter from county counsel.

Doug Olsen explained that the county had two options. It could make a finding that the road met the RS 2477 designation or it could also declare it a public road. The actions could be taken apart from one another so that if the board wished to only find that the road met the RS 2477 designation, it could declare a finding of meeting the requirements for RS 2477 designation. If the board wished to only declare the road a public road, allowing public use and placing it under the county's control, it could do that. Or, lastly it could declare a finding of meeting the requirements for RS 2477 designation and declare the road a public road.

Commissioner Givens asked for some clarification on the differences between the two possible actions. Doug Olsen explained that in the act of making the South Fork of the Walla Walla River Road a public road, the county could gate and restrict access to the road but would not be able to perform maintenance. That would be the responsibility of the users. The distinction of a public road would be that it was not under the county jurisdiction. However, some federal regulations could implicate the county.

Doug explained that the RS 2477 seemed to have little to no impact on the county, but was expected to provide the landowners with standing to file and execute a court action. His opinion was that could turn out to be necessary as it was unlikely that the BLM would not recognize anything short of a court order related to use and access of the road.

Commissioner Elfering provided his comments via a written statement (attached hereto and incorporated herein by this reference) and indicated his decision to support the landowners' request for an RS 2477 declaration. The commissioner went on to issue a remonstrance to the BLM.

Commissioner Givens commented that the topic placed a choice before the Board. He supported the option of an RS 2477 designation, but not a public road designation because of the potential financial impact to the county. He asked for further comment from the public.

Larry Widner did not know that the county not having control of the road, specifically related to gating the road would be a good idea or effective and was supportive of the simple RS 2477 designation. Doug Olsen explained that the county's responsibilities in a public road designation were uncertain.

Commissioner Elfering asked if the RS 2477 designation gave access to those property owners along the road above the land owners' association members' properties. Doug Olsen replied that it would give them access as well because the entire road would be designated an RS 2477 road.

Commissioner Givens asked about the county's liability related to denial of access. Doug Olsen pointed out that the liability really related to allowing access. Larry Widner explained that it was difficult to make a damage determination isolated to one effect, i.e. vehicles fording the river and running over protected fish.

John Ehart requested a photocopy of Commissioner Elfering's statement.

**Commissioner Elfering moved that the Board of Commissioners designate the South Fork of the Walla Walla River Road as an RS 2477 road. Commissioner Givens seconded. The motion carried** and the board directed that staff draft findings to be coordinated with counsel for the landowners' association.

An announcement was made that a public hearing regarding plans to change the pond to a fish hatchery would be held on April 15<sup>th</sup> either from 4 p.m. to 8 p.m. or 6 p.m. to 8 p.m. at the Community Building in Milton-Freewater.

**New Business:** None.

**Commissioners' reports:** None

**Other Discussion:** None.

**Scheduling of Next Meeting:** The next meeting will be held April 3, 2013.

## **ADJOURNMENT**

The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Laura Headley  
Executive Secretary

Umatilla County  
Board of Commissioners