

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Board of Commissioners' Meeting of April 3, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

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;
Peggy Anderson, Umatilla County Fairgrounds and Fair Manager; Robin Severe, Helix area constituent;
Cindy Severe, Helix area constituent; Calista Berg, Helix area constituent; Richard Jolly, Weston area
constituent; Larry Berg, Helix area constituent; Julia Spratling, Helix area constituent; Annette Pankratz,
Helix area constituent; Jack Esp, Candidate for Umatilla County Commissioner; Janet Jones, Umatilla County
Public Health Community Educator; Phil Wright, East Oregonian Reporter; Gary Rhinhart, Umatilla County
Planning Commission member; Tammy Dennee, Umatilla County Fair Board member; Gay Newman,
Umatilla County Fair Board member; Dan Dorran, Umatilla County Fair Board member; Tom Fellows,
Umatilla County Public Works Director; Bill Timmerman, constituent; Bob Heffner, Umatilla County Budget
Officer; Hulette Johnson, Umatilla County Community & Economic Development Director; Paul Chalmers,
Umatilla County Assessment & Taxation Director; Tamra Mabbott, Umatilla County Land Use Planning
Director; Mitch Pankratz, Helix area constituent; Jerry Baker, Candidate for Umatilla County Commissioner;
Greg Shannon, Helix area constituent; Ann Jolly, Milton-Freewater area constituent;

CALL TO ORDER

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

BUSINESS ON AGENDA

Approval of Minutes: The minutes of the Board of Commissioners' meetings of March 20, 2013; March 13, 2013 & February 6, 2013 were presented for approval. **Commissioner Elfering moved approval of the minutes of the Board of Commissioners' meetings of March 20, 2013; March 13, 2013 & February 6, 2013 as written. Commissioner Doherty seconded. The motion carried 3-0.**

Additions to the agenda:

Sponsor free first Saturdays 2013 – Heritage Station Museum - \$2500

Public Input: None.

Consent Agenda:

1. Authorize annual renewal of the elevator maintenance agreement for the Stafford Hansell Government Center - \$5437.28
2. Waive the hiring freeze, authorization to recruit and hire Corrections Officer
3. Authorization for O So Kleen Cleaning & Restoration to clean the carpets at the Justice Center - \$1783.60

Commissioner Doherty moved approval of the consent agenda as presented. Commissioner Elfering seconded and the motion carried 3-0.

Agenda Items:

1. **Cindy Severe re Board as advisory group:** Cindy Severe read off her presentation (need copies) as it was presented on PowerPoint. That presentation included her perspective of her review of the ORS and the ordinances regarding site certificate issuance [need cc of: Phil's recording from 1st ten min of meeting, Cindy's power point and read statement].

During the review of the ORS and ordinances, there was some discussion between Commissioner Givens and Cindy Severe related to the relevancy of the allegations she was making against Iberdrola and the anecdotal reports supporting them to the subject of a special advisory group (SAG).

Commissioner Doherty asked Ms Severe to clarify what was being asked of the board. It was his impression, based on what was being presented that the request was that the Board remove itself as the SAG. Cindy Severe responded that would be after it directed EFSC to re-open the siting certificate, claiming that nothing in terms of recommendations was submitted to EFSC addressing health and safety concerns by the special advisory group.

Commissioner Doherty commented that what was being requested had changed since February 28th. Cindy Severe stated that the special advisory group was to direct the DOE to adopt the county's siting requirements. Commissioner Doherty asked for clarification that Ms. Severe wanted the Board of Commissioners to direct the DOE to adopt the county's site standards. Cindy Severe stated that per her February 28, 2012 letter she was asking the Board to withdraw as a special advisory group to the Oregon Department of Energy.

Commissioner Doherty asked if she was requesting that the Board of Commissioners appoint the planning commission as the special advisory group. Cindy Severe replied that EFSC would need to make the appointment.

Commissioner Doherty commented that the technicalities of the statute via the information in the January 28th letter, citing ORS469.480, indicated that EFSC shall designate a governing body as the special advisory group. He further pointed out that the Planning Commission was not a governing body. Cindy Severe responded, claiming that subsection 2 allowed for a subcommittee rather than the Board of Commissioners to stand as the special advisory group.

Commissioner Doherty asked if she was asking the Board to make a recommendation to EFSC. Cindy Severe stated that she would agree that the Board should make a recommendation.

BCC Minutes

4/3/13

Page 2 of 6

Commissioner Doherty asked if Ms Severe agreed that the county did not have the authority to demand that of EFSC; Cindy Severe agreed.

Commissioner Doherty asked if she recalled when Iberdrola made its application for the site. Cindy Severe replied that she believed it was 2008 and that the original site certificate was expedited and issued around July of 2009. Commissioner Doherty commented that the application was made in 2008 and the county changed the standards in 2012, and Ms. Severe wanted the new standards applied to an application that was filed 4 years prior to the enactment of the new standards.

Commissioner Givens asked if Ms. Severe was asking the Board to request EFSC or the DOE to apply those standards. Cindy Severe stated that it would be the DOE, that she was requesting that the Board as the SAG recommend criteria to amend the original site certificate to the DOE and apply the new county ordinances. After that she explained that the Board should recommend to EFSC that it appoint the planning commission as the SAG. Commissioner Givens, as chair, stated that the Board would take the request under advisement and work with county counsel and state agencies to look at the request.

2. Fairgrounds smoking policy: Connie Caplinger announced that the fair board adopted a smoking policy and forwarded to the board for approval. Doug Olsen reported that the fair board wished to apply the policy year round to all fairground facilities, but that the policy would be phased in prior to January 1, 2014. There would be designated areas for smoking on the grounds until December 31st and after that date smoking would be prohibited on the entire grounds.

Janet Jones commented that the students who initiated the policy were not able to be available for the meeting.

Peggy Anderson provided a brief history of the policy request. She was approached by Sherrilyn Knudsen and the Helix 4-Hers at the end of the 2012 fair due to the smoke invasion into the RV areas. The 4-H club made a presentation to the fair board in early winter and when the fair board attended OFA, the topic of smoking policies on fairgrounds was found to be an agenda item. She was accompanied to the meeting by 3 of the fair board members who were at the OFA conference and reported that the fair board also worked with county counsel to develop the policy. The fair board adopted the policy in March 2013. Approval of the policy was recommended on a 7-1 vote. The only matter of contention was whether the policy should be phased in through December 31st or to immediately establish an outright ban. The rationale for phasing in the policy was that some contracts were already in place that would be affected by the policy.

Commissioner Elfering asked how many designated areas were planned and where those would be located. Peggy Anderson replied that part was still a work in progress, but that fairgrounds staff had currently identified two areas.

Dan Dorrان stated that one of the reasons the fairgrounds lagged behind the county in general on this was that it always had a smoking policy as part of its safety process. That policy established setbacks from the grounds' buildings. The new policy expanded the restriction to indicate designated areas.

Gay Newman commented that it was not a unanimous decision of the fair board to have a designated area, but that the entire board was supportive of a smoking ban on the grounds. Commissioner Doherty asked if, when the fair board adopted the position to ban smoking on the grounds, was the position unanimous.

Gay Newman replied that it was and that the question arose as to whether to have any designated areas or not.

Commissioner Givens asked if there was a plan in place for signage and enforcement. Peggy Anderson answered that the staff had a plan in place and that the fair board learned from the OFA seminar that the public was a very good self-enforcer.

Calista Berg, grand-parent of Helix 4-H club members, stated that she was proud of the kids for bringing the request forward. Peggy Anderson commented that she would like to thank the Helix 4-H club for taking on the project and helping to put the policy together, noting that it was not an easy process. Commissioner Doherty stated that he followed news of the project in the media and felt that the approach taken by club and Mrs Knudsen through the process was thorough. He was not totally clear as to whether the request was prompted by a smoke, health or safety issue although all of them would come into play. **Commissioner Elfering moved to accept and adopt the no-smoking policy at the fairgrounds. Commissioner Doherty seconded. The motion carried 3-0.**

3. **Lease of a DuraPatcher:** Tom Fellows reported that he asked and received Board approval to lease the same machine lease the previous year and was renewing his request to continue the program for the current year. Commissioner Givens asked about cost related to the equipment. Tom Fellows replied that the leasing of the machine was the most cost effective approach to the seasonal road work. **Commissioner Doherty moved that the Board approve Public Wotks' request for authorization to lease the durapatcher on the terms shown in the attachments to the agenda item. Commissioner Elfering second and the motion carried 3-0.**

4. **Cationic Emulsified Asphalt purchase:** Tom Fellows provided the annual quotes with his request for chip seal material. He reported that in the last three years Idaho Asphalt had provided the lowest bid. For this year, Western States quoted the product at \$478 per ton, making theirs the lowest bid. The product is satisfactory and the company was more conveniently located in Tri-Cities. Tom Fellows recommended approving their bid. The commissioners asked for an explanation of the difference between cationic and anionic relative to asphalt types. Tom Fellows explained that anionic is more effective in climates where the temperatures do not follow the cold and heat extremes in this area. Commissioner Doherty asked for an explanation of the term "emulsified." Tom Fellows described the process of emulsification as when the agent was mixed in a centrifuge to allow it to spread. Commissioner Doherty asked if the trends in costs observed were continuing. Tom Fellows replied that the industry seemed to have experienced a slight drop in cost by about \$16 per ton. **Commissioner Doherty moved that the board approve the road department request to award the cationic emulsified asphalt contract to Western States at the quoted cost of \$478 per ton. Commissioner Elfering seconded. The motion carried 3-0.**

5. **Supplemental budgets (3):** Chairman Givens opened the public hearing at 10:02 a.m. Bob Heffner provided the staff report as detailed in each of the supplemental budgets' individual headings below. Commissioner Elfering asked whether the supplemental budgets were the result of shifting funds to meet needs in different categories. Connie Caplinger explained that the supplement budgets were all the result of previous Board approved purchases and that at the time of approval, it was known that the supplemental budgets were necessary to fund them. Commissioner Givens asked whether bids were requested on the weed control chemicals. Commissioner Doherty commented that he received the end of

quarter report and noted some things that created questions, none of which apply to the supplemental budgets. The commissioner asked for a report after the hearing.

a. **Weed Control, Budget Order 2013-42**: Bob Heffner reported that the supplemental budget was an annual action made necessary by chemical supply and vehicle maintenance expenditures. **Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2013, moved to approve Budget Order 2013-42. Commissioner Doherty seconded. The motion carried 3-0.**

b. **Public Health, Budget Order 2013-43**: Bob Heffner reported that this supplemental budget was to pay for a new vehicle jointly purchased by the family planning and communicable disease programs. **Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2013, moved approval of Budget Order 2013-43. Commissioner Doherty seconded and the motion carried 3-0.**

c. **Sheriff-Civil, Budget Order 2013-44**: Bob Heffner reported that the supplement budget was made necessary by the purchase of an electronic fingerprint scanner, which was to be supported by the increase in demand for concealed carry weapons licenses. **Commissioner Elfering, in the matter of a resolution adoption a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2013, moved approval of Budget Order 2013-44. Commissioner Doherty seconded. The motion carried 3-0.**

6. **Discussion of budget reports**: Commissioner Doherty asked Bob Heffner to address the budget for the sheriff's dispatch program. Bob Heffner explained that there was no reason to be concerned as the matter was dealt with through an interdepartmental transfer. He commented that although Parks required some work, he and Hulette Johnson were working on a solution. Commissioner Doherty noted that it seemed that the revenue side of the budget was lagging. Bob Heffner commented that the revenue was not particularly troubling, although the real concern related to the state and federal revenues expected. Commissioner Doherty asked about the assessor's office. Bob Heffner explained that those items generated fees. Commissioner Doherty asked if the budget officer expected the assessor to achieve the budgeted amount by the end of the fiscal year. Bob Heffner replied that was not likely. Commissioner Doherty commented that the revenue situation told him that in terms of the new fiscal year budget, the county needed to make adjustments.

7. **Sponsor free first Saturdays 2013 – Heritage Station Museum - \$2500**: Hulette Johnson reported that the association between the Historical Society and the department started with the state's and then the county's 150th celebration and resulted in beneficial collaboration. The funds proposed to be provided to the society were supported with video lottery dollars and met the use criteria by affording families the ability to tour the museum at no cost. It was also a very good way to promote the history of the county. He announced that the Historical Society's publication, Pioneer Trails, was to be revised for the spring season. The free Saturday concept was a first time run for the Heritage Station Museum, but he expected that it would be expanding to other communities. The amount of \$2500 was expected to support the sponsorship for the rest of the year. There was a process in place to account for visitors throughout the year and the program was based on the calendar year, not a fiscal year. **Commissioner Elfering moved to allocate \$2500 to support the Free First Saturday for the Heritage Station Museum. Commissioner Doherty seconded. The motion carried 3-0.**

New Business: None.

Commissioners' Reports:

Commissioner Elfering: The commissioner reported that he would leave in the afternoon for the GOBHI Board meeting in John Day. He felt that the previous day's West End Mayors' meeting was productive, noting that Commissioner Doherty gave a farewell speech. Commissioner Elfering announced that the date was approaching for the Athletic Achievement Awards to be held at Pendleton High School on April 15th at 7 p.m. He commented that it was a great way to recognize youth and that all the awards were sponsored.

Commissioner Doherty: Reported that he was scheduled to be in Salem on April 8th and was planning to return that day, but recently learned he would need to stay for a legislative reception that evening. He planned to be back in time for the water coalition meeting on that Tuesday afternoon when discussion about the new water entity was expected. Senator Hansell's priority bill was complete in its concept form and he had a copy available for review. The governor's office had a late entry related to the water process and CRUST as well.

Commissioner Givens: Reported that he would also be in Salem on Monday, meeting with Representative Smith on the final draft of the transmission line bill that Umatilla County was proposing which would give counties more authority on transmission line siting. There was some opposition anticipated from Renewable Northwest.

Other Discussion:

Connie Caplinger: She provided a reminder that on April 9th the county's insurance company was sponsoring FMLA training for all county employees at the Community Room at City Hall in Pendleton. On Friday, the 5th the Eastern Oregon Coordinated Care Organization's citizens advisory committee was meeting in Room 114.

Commissioner Doherty added that any bill not scheduled for hearing by Monday, April 8th and any bill that has not had a hearing by April 16th would be dead.

Scheduling of Next Meeting: The next meeting will be held April 17, 2013.

ADJOURNMENT

The meeting was adjourned at 10:26 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners