

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Board of Commissioners' Meeting of August 21, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

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COMMISSIONERS PRESENT: Larry Givens, Chair; Bill Elfering, Vice Chair;
George Murdock, Commissioner

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Connie Caplinger, Umatilla County Executive Assistant; Christine Reynolds, of Orrick, Herrington & Sutcliffe, counsel for CHI; Jim Schlenker, Chief Financial Officer, St Anthony's Hospital; Bob Nooy, Umatilla County Public Works Shop & Procurement Supervisor; Tom Fellows, Umatilla County Public Works Director; Phil Wright, East Oregonian Senior Reporter; Kathy Lieuallen, Umatilla County 9-1-1 Dispatch Center Manager; Jack Remillard, Umatilla County Emergency Manager; Mark Royal, Umatilla County Community Corrections Director; Mark Makler, Makler Lemoine & Goldberg, counsel for the Umatilla County Law Enforcement Association; Scott Tassie, Umatilla County Law Enforcement Association; Tamra Mabbott, Umatilla County Land Use Planning Director; Gina Miller, Umatilla County Code Enforcement Assistant; Paul Chalmers, Umatilla County Assessment & Taxation Director; Terry Rowan, Umatilla County Sheriff

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CALL TO ORDER

The meeting was called to order at 9:04 a.m. Chair Givens reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Approval of Minutes: The minutes of the Special meeting of June 18, 2013, Ott Road Work Session; and, Board of Commissioners' Meeting of July 17, 2013 were presented for approval. **Commissioner Elfering moved approval of the minutes. Commissioner Murdock seconded. The motion carried 3-0.**

Additions to the agenda:

EORCO discussion

Public Input: None.

Consent Agenda:

1. Authorization to hire a temp, full-time staff to substitute for an employee who is out on leave
2. Authorization to waive criminal history to allow hire for on-call position

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

Agenda Items:

1. **Approval of Tax Exempt Bonds - Public Hearing:** Commissioner Givens opened the public hearing at 9:06 a.m.

a. **Staff report:** Doug Olsen reported that approval of tax exempt bonds was needed as a procedural requirement for Colorado Health Initiatives' (CHI) tax exempt bonds for hospital construction. The county's budget would not be affected by the action. Two representatives were present for the issuer, Christine Reynolds and St Anthony's Chief Financial Officer, Jim Parker. The board's approval was requested only for the purposes of approval under IRS Code and would not signify approval of the bonds themselves. Commissioner Givens asked if the county would bear any liability. Doug Olsen replied that there would be no liability for the county.

b. **Public comment:** The floor was opened at 9:07 a.m. Christine Reynolds, representing for CHI, stated that the healthcare system was issuing bonds nationwide for improvements at local facilities. Commissioner Murdock commented that he was thrilled with the prospect of the new hospital and the plans for the old hospital. No further comment provided, the floor was closed at 9:09 a.m.

c. **Deliberation and Decision:** **Commissioner Murdock, in the matter of approval of issuance of tax-exempt bonds by Colorado Health Facilities Authority for financing of facility in Umatilla County, moved to adopt Order Number BCC2013-067. Commissioner Elfering seconded. The motion carried 3-0.** The hearing was closed at 9:10 a.m.

2. **Crime Committee Report:** Commissioner Elfering opened the report with a description of the discussion and work group process. The group formed to try to seek a resolution for the shortage of personnel and funds in all the county's law enforcement programs.

The goal was to add patrol officers in Hermiston, Pendleton and Milton-Freewater. The committee determined that the total needed would be an additional approximate \$1.6 million for operations and

\$2.2 million for additional personnel. The committee requested approval to offer a levy option at 40 cents per thousand for all areas in the county and 94 cents per thousand in the unincorporated areas.

Sheriff Rowan commented that if there were any additional ideas on how to include all county residents and input on how to improve operations and patrols for all county residents, the committee was interested in hearing those. He noted that some consideration was given to shared services, like dispatch.

The department was at a critical point given the significant and serious, dangerous crimes occurring across the county. The aim was to move from reactive policing to proactive, which the current level of service would not support.

Commissioner Elfering added that the levy would provide the opportunity to better utilize the jail.

Commissioner Givens commended Terry on the changes. He commented that everyone needed to be on board and work together to support the changes.

Commissioner Murdock commented that he understood where there were police forces in the communities, there was collective impact, which would help provide deterrence for criminal activity such as seen at the 2013 county fair. Sheriff Rowan replied that the cooperative process within the communities did not relieve the sheriff from the obligation to provide policing.

Scott Tassie, representing the UCLEA, stated that the union supported the levy.

Commissioner Elfering, in the matter of calling for election on local option tax to raise additional funds to support the Umatilla County Sheriff's Office, moved approval of Order Number BCC2013-065, which called for election to provide a local option tax for a five year period. Commissioner Murdock seconded. The motion carried 3-0. Commissioner Elfering, in the matter of calling for election on Umatilla County Sheriff's Office Law Enforcement District Local Option Tax, moved approval of Order Number BCC2013-066. Commissioner Murdock seconded and the motion carried 3-0.

3. **Consolidated Dispatch:** Kathy Lieuallen reported that the county acted as the 9-1-1 manager for 25 public agencies while situated in and part of Umatilla County. She was also reporting on the Hermiston city action to join the county. When that took place, it opened discussion of a new system needed to interconnect via the radio district's plans. The county's share of the cost would be \$298,895.

Sheriff Rowan commented that as he understood it at the current point, the radio district had an agreement to purchase the required system. However, approval from the Board of Commissioners was sought in order to get the district into the queue.

The sheriff provided a brief history of the search for a more interactive and efficient system which resulted in the county turning to the data district for the data piece. In order to complete the interconnectivity, the data district needed Hermiston to consolidate. Sheriff Rowan added that without the support of the data district, the Umatilla County portion of the system costs would be \$323,373.

Although the collaboration for the new system would require several new agreements, Kathy Lieuallen stated that the collaboration would be saving the county some funds as well as the city and state. The state paid \$45,000 per quarter for Hermiston's system maintenance alone. There was also an additional \$22,000 for the county from the funds the state sent the city for maintenance of the dispatch program.

The practical advantage meant that the dispatchers would not need to transfer calls to Hermiston any more, resulting in a more efficient process in the dispatch arena. The changes would also require changes to the enhanced 9-1-1 plan and the dispatch program would take on additional personnel. The dispatch center would need to be reconfigured to include additional stations. The savings generated would be a long term project.

Sheriff Rowan commented that the use of PILT funds was known to be unlikely, but he had budgeted for the Records Management System. Commissioner Elfering commented that he was not clear on the funding effect of the first year, but that it seemed he was hearing budget negative results. The sheriff responded the new system would require a request for additional funds to bring it on board in advance of July 1. There was a 10% payment required at the start of the project and balance was due on completion.

Commissioner Elfering asked if it was included in the budget. The sheriff stated it was not because it was an unforeseen circumstance at the time. Commissioner Elfering asked if the department had talked to the budget officer. Sheriff Rowan replied that he had discussed it with Bob Heffner.

Connie Caplinger asked if only the 10% was needed in the current budget year. The sheriff replied that he anticipated that the entire project would be finished within the budget year.

Commissioner Givens asked for clarification on what was being asked and if there was a way to step back, if necessary. The sheriff replied that Hermiston was already committed. Doug Olsen commented that the request seemed to be whether the board would commit the county to the project and funds.

Commissioner Elfering stated that the department would need to discuss the proposal with the budget officer. Commissioner Murdock asked for the deadline to commit the proposal. The sheriff replied that the request had been placed in the queue already in order to complete it in time for training to take place prior to the initiation of the system operation.

Mark Royal commented that his program had \$107,500 available through the biennium as new funds from the state for Community Corrections that would be allowed for contribution.

Mark Makler, the counsel for the law enforcement association, suggested that a work session could be set up to alleviate the concerns regarding the IGAs and employee issues. He requested that the department include the association's leadership in the discussion. Commissioner Givens commented that the labor matters would come after the budget discussion.

4. **Approval of 2013-15 Community Corrections Plan:** Mark Royal provided a staff report of the biennial process and noted that the presented plan should be considered a work in progress. In fact, he just received information the previous day about a funding stream with the Justice Reinvestment Fund which included the sheriff and DA for the discussion of application. He included the funds in the final plan because they needed to be used for community based sanctions and programs. The action items in the plan included making one position permanent and moving another from half time to full time. The day management program, which had replaced the work release center, was intended to deliver direct service and establish a sanction based program.

Commissioner Givens commented that the board needed to formally approve the plan. Connie Caplinger noted that two motions were actually needed. **Commissioner Elfering moved approval of the 2013-2015 Community Corrections Plan and Intergovernmental Agreement with the State of Oregon. Commissioner Murdock seconded and the motion carried 3-0. Commissioner Elfering moved for approval of authorization to hire two additional personnel in temporary positions and to make one temporary position a permanent full time position. Commissioner Murdock seconded. The motion carried 3-0.**

5. **Award Contract for Purchase of New Pickup:** Bob Nooy reported that the department received 5 bids ranging from \$21,660 to \$49,000. He recommended that the county accept the Denchel bid in the amount of \$23,200 because the lowest bid vehicle was not in stock and would need to be ordered, with a delivery date between 10 to 12 weeks from the date of order. **Commissioner Elfering moved approval of the purchase of a 2013 Ford F150 from Tom Denchel Ford in the amount of \$23,200. Commissioner Murdock seconded and the motion carried 3-0.**

6. **Motor Grader Purchase Authorization:** Tom Fellows reported on the process of locating the grader that met the department's specifications. A Request for Proposals had been issued and the proposal from Western States was recommended. **Commissioner Murdock moved to authorize the purchase of a CAT 140M2 motor grader from Western States Cat in the amount of \$286,865.87, using motor grader #565 as a trade valued at \$120,000, making the authorized payment \$166,865.87. Commissioner Elfering seconded. The motion carried 3-0.**

7. **Award Contract for Purchase of SUV:** Bob Nooy reported that 3 bids were received from Denchel and one from Chrysler Jeep Dodge of Wilsonville. Initially, staff was going to recommend

the Denchel Escape which was the lowest bid, but there was a waiting period of 10 to 12 weeks for delivery on the vehicle.

Bob Nooy stated that Doug Olsen believed that the county must accept the lowest price vehicle. They discussed the process. In the case of the lowest bid, if warranty work was necessary, the vehicle must be taken to the Tri-Cities for work. The department's preference was the Escape.

Connie Caplinger commented that another option available to the department was that the board could take the recommendation under advisement until there was a chance to talk to Doug Olsen. Commissioner Givens commented that he preferred to defer a decision until after he could talk to Doug Olsen to determine whether the board had the option to choose between two vehicles to be ordered.

Commissioner Murdock asked what practical experience the county had in having someone other than the original dealer taking care of the vehicle. Bob Nooy stated that on warranty work, that the maintenance would be performed at the county shop.

8. **Collective Bargaining Agreement (2013-16 AFSCME Courthouse) Ratification:** Connie Caplinger presented the agreement, which was ratified by the union for ratification and signature by the board. Once the action was complete, she indicated that she, too would need to leave the meeting to attend bargaining. **Commissioner Murdock moved to ratify the 2013-16 Collective Bargaining Agreement with the AFSCME Courthouse employees. Commissioner Elfering seconded and the motion carried 3-0.**

9. **Authorization to Initiate Focused Program for Highway 395 Corridor:** Tamra Mabbott reported that the department was bringing forward the request for two reasons. A similar program had been implemented in the residential areas around Milton-Freewater about 6 years ago. The department was bringing the program forward for the Hermiston area to help alleviate unhappy landowners.

Using maps to identify the primary area along Highway 395, Tamra Mabbott noted that the county had presented the concept to the chambers, but they were unable to assist financially. The target corridor along 395 would allow residents to receive a coupon good for the first trip to the transfer station with debris. Gina Miller clarified that the program would offer a coupon for one free load up to 5.5 cubic yards in volume and that the cost was expected to be a maximum of \$5,000.

The program was looking at 114 properties and most of those properties were identified as potential solid waste violations. Based on the survey of the target area, the actual expectation of the cost for the coupons would be closer to \$2,600.

Tamra Mabbott commented that the target area was felt to have the most urgent need for attention. Gina Miller added that in most cases, it seemed that it was a matter of education because some

people did not know that there were rules.

Commissioner Murdock asked if there were some efficiencies involved in approaching the project from the proactive direction, such as saving a lot of staff time in reviewing violations. Tamra Mabbott agreed that it would potentially save some staff time and noted that the idea was to use the peer pressure concept and a community development concept

Commissioner Elfering asked how long the program would last. Gina Miller replied that they would like successful completion by early spring, around April 1st. That would allow enough time to do an audit survey, distribute door hangers, and to begin in the fall was a prime, ideal time as it allowed for clean- up in cooler weather and while people were wrapping up summer activities.

Commissioner Elfering asked if the people would need to request the coupon. Gina Miller explained that when a waste violation was identified, a letter reiterating the coupon offer would be extended to the recipient of the letter. The coupon offer would be tendered on the door hanger.

Commissioner Elfering asked if the cost was based on the coupon or actual delivery. Gina Miller explained that the cost would be tracked and the estimated cost was based on an average. The county would pay for a maximum cost of \$35.10 per load.

Commissioner Murdock asked if it was common practice to report back to board on projects such as this. Tamra Mabbott replied that it was not. Gina Miller stated that a report would be made to the Solid Waste Committee, however.

Commissioner Givens asked if the coupon and load tracking would be done on a running tab or log and report. He suggested that the program provide a preliminary report at a December board meeting.

Jack Remillard asked what the program considered when a vehicle was solid waste. Tamra Mabbott replied that it was an unlicensed, unregistered or inoperable vehicle. Jack Remillard responded that then his project Model A would be considered in violation. Tamra Mabbott replied that the program preferred that projects were kept in a garage..

Commissioner Elfering moved to grant authorization to proceed with the focused program of code enforcement for Highway 395 north of Hermiston from Punkin Center to Union Street. Commissioner Murdock seconded. The motion carried 3-0.

10. **Lift Hiring Freeze: Commissioner Murdock moved, in the matter of lifting of a hiring freeze of Umatilla County employees, adoption of Order Number BCC2013-068. Commissioner Elfering seconded. The motion carried 3-0.**

11. **Umatilla Ambulance Service**: Jack Remillard reported that the volunteer service was

required to have an EMT to drive the ambulance, but oftentimes an EMT to drive was not always available. The service needed a letter of no objection from the county to support use of a non-EMT driver for the ambulance. Part of the problem with maintaining that sort of staffing was the training time required to obtain EMT certification and the funding requirement which were costly for the smaller departments. Commissioner Givens commented that the board should authorize staff to send a letter that the board does not object to the plan provided it applied to the OARs. **Commissioner Murdock moved that the board provide the letter of no objection to a non-EMT driver for ambulance runs for the Umatilla Rural Fire Protection district. Commissioner Elfering seconded and the motion carried 3-0.**

12. **Authorization to Purchase Items Ordinarily Prohibited by County Policy:** Commissioner Elfering moved authorization be provided to purchase and reimburse items ordinarily prohibited by county policy, waiving Personnel Policy 3.4, III, 3. Commissioner Murdock seconded with a question as to whether the promotional items were funded by lottery proceeds. The motion carried 3-0.

13. **Return to the SUV discussion:** Commissioner Givens commented that it was the board's preference to go with the Denchel vehicle for the concern over warranty work. Doug Olsen explained that the specifications were sent out and the county was obligated to go with the low bid. The specification related to the warranty only required that the terms of the warranty were met. There was nothing specific for the available location for warranty work.

Commissioner Elfering asked if it should be a specification in the future. Doug Olsen replied that could be incorporated in the RFP specifications.

Commissioner Givens commented that he supported Bob Nooy's concern over the costs and logistics for the lowest bid. Commissioner Elfering commented that the nearest provider would not be the origination dealer for the vehicle.

Doug Olsen advised that the board had the option to reject all bids and go out for another RFP. He noted that the county did receive a late bid. Commissioner Givens' preference was to reject all bids and go out for a new RFP. **Commissioner Elfering moved to reject all bids and issue a new RFP for the vehicle. Commissioner Murdock seconded and the motion carried 3-0.**

14. **Impacts of exempts:** The inclusion of exempt employees on the optional benefit plans for Lifeflight, increase for the life insurance premium and the healthcare reimbursement account (HRA) would be, respectively, at \$3,000, \$4600 and \$29,000 per year total. Commissioner Givens asked if that was within the budget and Doug Olsen replied that it was. **Commissioner Murdock moved to extend the benefits to the exempts. Commissioner Elfering seconded. The motion carried 3-0.**

15. **Annexation to Milton-Freewater:** Doug Olsen presented the proposed order that would

memorialize the determination of the board that a public health danger exists in the area affected by the annexation petition. Commissioner Givens commented that the city was extremely anxious on that and that he would like to see the county move forward due to information provided during a recent Walla Walla Basin Watershed Council meeting that was supportive of the proposal. **Commissioner Murdock, in the matter of annexation to the City of Milton-Freewater due to public health danger, moved adoption of Order Number BCC2013-069. Commissioner Elfering seconded and the motion carried 3-0.**

New Business:

EORCO discussion: Commissioner Givens reported that the county had copies of old IGAs and by-laws, one showing 5 participants and one with 8 county participants. At that time there was concern regarding the financial impacts to Umatilla County because the county was using a lobbyist which could produce a conflict with the EORCO lobbyist because the main focus of EORCO was on lobbying for PILT continuation, which was not a county priority.

Since then, EORCO had become a regional alliance with 16 member counties and was basing its member dues on a percentage of the amount each county received on its PILT funds. The dues for the county would be approximately \$13,894 with a cap on the dues at \$15,000.

The issues the organization was focused on were PILT, water, timber, the economy and jobs. EORCO was using the Sullivan lobby group with Roger Lord as the direct representative.

The organization sounded more plausible, but the county would also need to commit commissioners to the organization. Commissioner Elfering asked what the back-up plan was for the possibility of PILT elimination. Commissioner Givens responded that each county was responsible for authorizing dues from PILT.

Commissioner Murdock commented that it depended on whether the members see value in the organization. Commissioner Givens added that the county had the option to test the waters for a year with EORCO.

Commissioner Elfering commented that there was representation provided somewhat by AOC and NACo, whose energies were diluted by the number of member counties. Commissioner Givens commented that he had a sense the EORCO counties' the focus was skewed toward other priorities than the SRS/PILT funds.

Commissioner Elfering asked what the funds would be used for. Commissioner Givens replied that they would be used to retain the Sullivan lobby group to advocate for EORCO based on the four identified priorities.

Commissioner Givens stated that he preferred to get hold of Steve McClure of Union County for a current copy of the by-laws before taking action. He had verified with Bob Heffner that funds were available. Doug Olsen commented that there might be a requirement to do an ordinance. **Commissioner Elfering moved to instruct staff to move forward to allow for more complete information to consider the possibility of membership. Commissioner Murdock seconded. The motion carried 3-0.**

Commissioners' Reports:

Commissioner Elfering: The commissioner reported that he attended the rotary meeting in Milton-Freewater to make a presentation related to the Depot and the public safety levy proposal. He also attended the Pendleton chamber tourism committee meeting and learned that they were reconfiguring their organization to try to tie all the tourism entities together.

Commissioner Murdock: Reported that when he attended the Pendleton Chamber meeting, he was asked to provide a report on the proposed safety levy and was delighted to be able report that 4 members of the county road crew assisted in apprehension of a suspect in the Stateline area. He also noted that the sheriff received assistance from Klamath County's search boat in the recent incident at McKay Dam.

Commissioner Givens: Commissioner Givens commented that he was not yet sure about the attendance numbers at this year's fair. Last year's livestock sale brought in \$365,000. This year's current total was \$433,000.

He also reported that he had been asked to attend the Walla Walla Basin Watershed Council meeting where the main discussion was the water quality and annexation. The irrigators were fearful that the DEQ would put restrictions on water going to crops in the area.

Other Discussion: None.

Scheduling of Next Meeting: The next meeting will be held September 4, 2013.

ADJOURNMENT

The meeting was adjourned at 11:11 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary

Umatilla County
Board of Commissioners