

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Board of Commissioners' Meeting of September 18, 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:** Greg Silbernagel, Umatilla Basin Watershed  
Council Executive Director; Bob Levy, Constituent; JR Cook, Northeast Oregon Water Association  
Director; Jack Remillard, Umatilla County Emergency Manager; Bob Heffner, Umatilla County  
Budget Officer; John Wooten, East Umatilla County Health District Administrator; Dan Lonai,  
Umatilla County Administrative Services Director; Phil Wright, East Oregonian Reporter; Tamra  
Mabbott, Umatilla County Land Use Planning Director; Robert Pahl, Umatilla County Finance  
Director

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**CALL TO ORDER**

The meeting was called to order at 9:01 a.m. Chair Givens reminded all present that the meeting is a public forum.

**BUSINESS ON AGENDA**

**Approval of Minutes:** The minutes of the previous meetings were in process, having been delayed due to the ongoing construction in the board office.

**Additions to the agenda:**

- Lifting of Burn Ban
- Approve payable
- Healthy Forests for Healthy Communities Act
- Copier Purchase Authorization

**Public Input:** None.

**Consent Agenda:** None.

## **Agenda Items:**

1. **East Umatilla County Health District:** John Wooten, Administrator for the East Umatilla County Health District (EUCHD) reported that a recent rule change from the Oregon Health Authority (OHA) allowed them to use non-EMT drivers for transport of patients. This was helpful due to the amount of time required to train new EMTs. However, the district was required to get a declaration of no objection from the Board of County Commissioners. He was requesting the approval of such a declaration.

Commissioner Givens asked what type of action was required. Jack Remillard replied that a declaration of no objection was what the OHA determined acceptable.

The need to utilize drivers who were not EMT certified emphasized the difficulty smaller departments were having in staffing their departments appropriately. An EMT was required to have 2 year degree, which caused difficulty for volunteer organizations. John Wooten added that in addition to the two year degree, EMTs were required to complete 32 hours of continuing education courses every two years while they held their certification.

**Commissioner Elfering moved to put together a resolution declaring that the Umatilla County Board of Commissioners had no objection to EUCHD's use of non-EMT drivers. Commissioner Murdock seconded and the motion carried 3-0.**

2. **Irrigator input on energy facility siting – Bob Levy:** Tamra Mabbott reported that the county was the special advisory group for the wind energy projects. There were 5 different projects in action and Bob Levy and JR Cook were present to discuss the impacts of the B2H transmission line project on the irrigators.

Using a map, Tamra Mabbott provided illustrations of the transmission line route options and advised that the county had the option to provide comments to EFSC relative to the project. EFSC was taking the county codes and land use findings into consideration when determining siting authorizations for applicants.

Bob Levy commented that the siting process included notice to landowners and meetings at which input was solicited. The line had progressed from Malheur and Baker Counties and the developers had come through eastern Umatilla County.

However, the irrigators did not pay much attention, but once the proposed routes were discovered, illustrated by the green line as Bonneville line, the lines must reach the PGE line near Boardman. The yellow lines represented the Longhorn substation and another substation was planned between Stanfield and McNary on the Bonneville line.

The PGE line-Cascade crossing would take out several crop circles. There were more than 8 projects in the area which would create logistical and farming issues for long term planning purposes.

Levy, Boardman Tree Farm, Hansell, Carroll, Frederickson and some of the Hutterites were among many who would be impacted. The farmers were not opposed to the projects in general, but the problem began when they impacted the livelihoods of the farmers.

One route was run across two CAFOs and the other would take out a sizeable portion of the tree farm. The lines would also affect spraying and other general agricultural operations.

Of particular concern for Umatilla County was the placement of the substation, which would likely affect Umatilla Electric Cooperative, the Navy and the Bonneville Power Authority. Specifically, the location of the substations was of concern because the question would be why they were to be located in the middle of irrigated acreage.

If a substation collector point could be set at the intersection of the grassland as shown as an alternate route where the line to the Longhorn Substation could intersect, that could alleviate the problems caused by the other route.

Bob Levy noted that input was needed from the Navy related to the transmission lines. As far as he knew, the Navy was not supportive of the route due to impingement on its flight path and the Navy would rather see one line through than 5.

Commissioner Givens asked about the north-south line at the edge of the Bombing Range Road. Bob Levy replied that it denoted the BPA's preferred route, but the Navy had height restrictions in that area.

Bob Levy showed on the 2<sup>nd</sup> slide, the engineer's conceptual drawing to establish that the project's transmission lines must go either to the Longhorn Substation or to Stanfield. The Longhorn route for the BPA would need to be a 500KVA line.

Commissioner Givens asked whether Longhorn could be moved to the south. Bob Levy replied that the BPA answer was yes, but then there is the need to connect somewhere to the BPA lines, which was restricted by the current infrastructure and could create an outage on the southern option.

The agricultural producers were requesting that the county (see page 3 of the handout from Bob Levy, attached) provide letters concerning the effect on the farming operations and the county's economic development. There would specifically need to be letters from not only planning but also the commissioners. He would like to see input within the next month or so.

Commissioner Givens commented that Tamra Mabbott had been working with Idaho Power on the B2H line and then it stalled out. It seemed to be heating up again. He suggested that the county continue with Tamra Mabbott as the lead and engage the developers again with the Board as the advisory committee in terms of correspondence.

Commissioner Murdock moved that the board participate in the capacity as advisory committee with the planning department as the lead. Bob Levy commented that that part of the process seemed to create no way to accommodate the planning department's concept of a corridor for the transmission lines. He felt there was a clear need for planning for that sort of concept because EFSC piece-mealed the permits for the line projects which was how the commission was expected to act since it was intended to act in a planning capacity.

Tamra Mabbott commented that only two types of developments in Oregon were super-sited – prisons and energy projects – in the case of energy projects, because each project provided power to a large population sector. If there was a large overarching purpose, then there would be a need for a planning component, which was not part of EFSC's charter and charge, although EFSC was likely not opposed to that process. Cumulative standards were currently considered but not coordinated.

There had been some work done by JR Cook on a paper that addressed a proposal. The state bifurcated production and transmission-line projects where the county did not. JR Cook added that the proposal paper was still in draft form and that the second reciprocal economic agricultural impact would be addressed aside from the planning considerations.

Reclassification of the irrigation zones would be necessary due to the changes in the type of productions, and when looking at the cumulative impacts of the transmission-line projects, was huge, particularly with respect to economic impact. It was necessary for infrastructure plans as well as energy projects. He supported Tamra Mabbott's proposal.

Commissioner Givens wanted to make sure that the letters re-stated the economic concerns and the water needs as an impact and noted that he would like a motion that directed planning staff and the liaison to become involved in direct discussion with the state legislators in the development of some sort of planning and corridor process relative to the energy projects to minimize agricultural economy impact and coordinate with Morrow County. Bob Levy commented that Morrow County, when it put the wind projects on the slag west of 3 Mile Farms, did so to not affect agriculture. He noted that the Longhorn Substation created concern for Teague, the Tree Farms and Frederickson. The Morrow County Court had not had to deal with the process until now and expect to start addressing it within the next few weeks. Carla McLane and Leann Rea were attending the irrigators meetings as the focus shifted.

Tamra Mabbott commented that the new projects, such as the co-gen plant, did not have the access to transmission lines. Similar to what was occurring in Morrow County, the project had momentum and may need to be slowed somewhat to address the concerns.

Commissioner Elfering asked Bob Levy to describe the conflict of t-lines across circles. Bob Levy replied that it was primarily the cumulative effect, as it took irrigated land out of production beneath the lines' path and the tower affected the pivot sweep. It was also a nightmare for aerial applicators.

Commissioner Elfering asked how many of the proposed lines' paths were dedicated. Tamra Mabbott replied that only the Stanfield path was dedicated.

Commissioner Elfering asked whether the maintenance issue on abandonment of the transmission lines was resolved. Tamra Mabbott replied that they were somewhat resolved with new legislation. However, on privately owned projects there was little to no maintenance or decommissioning regulation.

Commissioner Elfering asked if there were any environmental reports. Tamra Mabbott replied that the B2H Environmental Impact Statement (EIS) was expected sometime in February.

Commissioner Givens commented that one issue that created stall out was the changing goals of the project. Tamra Mabbott added that the county would have two opportunities to become involved. The first would be with the state via a letter and the second would be on the comment period for the EIS.

She noted there was a huge difference in the standards between the state and federal environmental standards. The state was more concerned with protecting the agricultural economy and the federal agencies were concerned with protecting habitats and species.

Commissioner Elfering wanted to clarify that the route as shown was not representative of the acquired right of way. Tamra Mabbott responded that at the most recent meeting with the B2H developers, it was indicated that they were open to suggestions.

Commissioner Murdock asked if the county had determined a critical agricultural zone as defined yet. Tamra Mabbott replied that they can develop that to include irrigation and can overlay it with JR's map, but it was not zoned differently. Commissioner Murdock commented that it would seem that would help make the case for the area.

Commissioner Givens added that it seemed to run into a definition issue with the state. Tamra Mabbott reported that a law was passed based on a definition of arable land relative to the siting of EFSC approved projects. It created a more rigorous process, although it was not particularly strict.

Commissioner Elfering asked if a plan was developed relative to a planning process for the lines. Tamra Mabbott replied that a study was done some years ago with a grant, but not moved forward because support was needed from the state. JR Cook commented that, in addition, AOC did not seem to be particularly enthusiastic about supporting such a project. He would like to have some support at the upcoming district meetings.

**Commissioner Elfering moved that the Board of Commissioners work with the planning staff and stakeholders to engage in discussions and long term plans in anticipation of transmission lines to be sited in Morrow County and Umatilla County and to work with AOC and state and federal representatives to ensure that high value land was not affected. Commissioner Murdock seconded. The motion carried 3-0.**

3. **Dillon Dam Report - Umatilla Basin Watershed Council (Greg Silbernagel)**: Greg Silbernagel from the Umatilla Basin Watershed Council reported that he received a call from the landowners near the Dillon Dam for assistance in the dam maintenance. The dam needed repair or removal.

The watershed council and landowners worked with River Design Group to ensure that local engineering projects were not adversely affected and took the 100 year floodplain and species and BIA concerns into consideration. The Dillon Dam was located just upstream of Highway 84 and the Umatilla River crossing.

The council conducted its first visit in March 2011. Its second visit on July 11, 2013 showed nothing aquatic moving upstream due to the water paucity. On the August 15th visit after the Tribes released the fish water there was a slight increase.

In between March 2011 and that date, funding applications were submitted, which resulted in \$78,000 for a feasibility study. The council held large agency meetings and a tour to answer questions and gather concerns for the feasibility study.

Then the council submitted a point of diversion grant application to divert the fish transit upstream to the Westland Canal across Spike and Double M Ranches where an irrigation easement already existed. The council was already in consultation with the planning department on the process. There was also an Andrews Road option set, if necessary.

The velocity and sheer stress mapping had been completed for the federal agencies, establishing no significant changes with the removal of the dam. The Tribes assisted in studying the lamprey migration process and there was Tribal support for the project.

The average lethal water temperature for steelhead and salmon was 64 degrees. So, high temperatures early in the season affected the fish. The water was currently already in the lethal zone.

The application for the next phase was already submitted and the comment period was to close on September 20<sup>th</sup>. The council needed to seek funding to design a pipeline and were looking to the Oregon Watershed Enhancement Board for the design funding.

The pipeline construction would come first, followed by permitting and design for removal, then removal with the earliest anticipated completion within 3 years and likeliest completion date in 5 years.

Greg Silbernagel provided the cost information and noted that there were dam removal advocates lining up to pay for the removal itself with buy in by landowners relative to around \$7,000 to \$8,000. Westland Irrigation District was in agreement, although with maintenance costs, the watershed council would likely contract with the irrigators.

Commissioner Elfering asked if the irrigators would be paying Westland for a transmission cost similar to other irrigation districts. Greg Silbernagel answered that would likely be the process.

Commissioner Elfering asked if Westland would be willing to pay for some of the costs. Greg Silbernagel responded that was not likely because the project was not of benefit to Westland, but he could discuss it.

Commissioner Elfering asked what the lethal temperature signified. Greg Silbernagel explained the biomechanics of the water temperature process and how it affected the primary species of fish living in the Umatilla River. He then referred to a video of the fish ladder at the Dillon Dam location.

Commissioner Elfering asked if there was any buy in by the fisheries people because of the removal. Greg Silbernagel noted that most of the agencies were already willing to buy in, such as the ODFW, Fisheries and Wildlife Service. He reported that the county planning office had signed off on the point of diversion application, but a letter of support would be appreciated by the October 10<sup>th</sup> deadline.

**Commissioner Murdock moved that the county offer a letter of support for the project. Commissioner Elfering seconded and the motion carried 3-0.**

4. **Authorization for OAIM M-F Ext to work an additional 8 hours per week for 6 weeks:** Doug Olsen reported that there would be a staff member on leave and the program proposed to have one employee from Milton-Freewater work in the Pendleton office for the duration of the leave time. The proposal would create an increased cost of \$1,000 which would

need to come from the program's contingency. **Commissioner Murdock moved authorization for the Office Assistant II in the Milton-Freewater Office to work an additional 8 hours per week for six weeks. Commissioner Elfering seconded. The motion carried 3-0.**

5. **Budget transfers (2):**

a. **Public Works, Budget Order 2014-04:** Bob Heffner reported that the transfer was necessary as the result of extra work needed on paved roads, which was supported by an increase in revenues. Commissioner Murdock commented that was positive development. **Commissioner Murdock, in the matter of a resolution making a transfer of appropriations pursuant to ORS 294.463 for the fiscal year ending June 30, 2014, moved adoption of Budget Order 2014-04. Commissioner Elfering seconded and the motion carried 3-0.**

b. **Fair, Budget Order 2014-05:** Three compressors were needed for Thompson Hall and chip seal work was also needed just prior to fair, which were unforeseen circumstances. **Commissioner Elfering, in the matter of a resolution making a transfer of appropriations pursuant to ORS294.463 for the fiscal year ending June 30, 2014, moved approval of Budget Order 2014-05. Commissioner Murdock seconded. The motion carried 3-0.**

6. **Milton-Freewater Head Start Facility Grant Administrator:** Doug Olsen reported that the grant administrator for the project needed to be filled and Robert Pahl was willing to become the grant administrator. **Commissioner Murdock, in the matter of appointment of Robert G. Pahl as county administrator for Community Development Block Grant for Milton-Freewater Head Start Project, moved to adopt Order Number BCC 2013-073. Commissioner Elfering seconded. The motion carried 3-0.**

7. **Lifting Burn Ban:** **Commissioner Elfering, in the matter of lifting temporary ban on all burning in Umatilla County, moved to adopt Order Number BCC2013-076. Commissioner Murdock seconded and the motion carried 3-0.**

8. **East End Rod and Gun Club request for fee waiver:** Tamra Mabbott reported that the club would be filing another land use application rather than the initial requested application, and a waiver of the fee was being requested. **Commissioner Murdock moved to approve the fee waiver for the East End Rod and Gun Club. Commissioner Elfering seconded. The motion carried 3-0.**

9. **Copier purchase authorization:** Doug Olsen reported that the Board of Commissioners' department was returning to the board for its copier. Only one original quote was received and Dan Lonai reported that he searched for alternates. He contacted Canon, Ricoh and Xerox. There had been no response to date from Xerox. Canon quoted on the GEMS contract and



requested the WSCA costs. The copier price was higher, but the long term maintenance contract was less costly on the WSCA proposal. Ricoh was \$1300 more for the copier.

Originally the proposal was for a color copier for the Board of Commissioners' office and a black and white for the budget office. Dan Lonai suggested that the county could buy a color copier for the Board of Commissioners and move the existing copier to the budget office. He noted that the A&D program also had a couple available if the old copier from the Board of Commissioners' office completely broke down. It was staff's recommendation that the county purchase the Canon 5250 in the amount of \$9,464.

**Commissioner Elfering moved approval of the recommendation. Commissioner Murdock seconded. The motion carried 3-0.**

10. **Adams Community Benefit Plan Grants**: Doug Olsen reported that the community benefit plan board met and made recommendations for the following applicants:

- a. City of Adams in the amount of \$17,672 for a reader board;
- b. Adams Ladies Club in the amount of \$891.01 for the Thanksgiving dinner and Christmas pageant and Adams Day Celebration Expenses, and;
- c. Adams Ladies Club in the amount of \$246.09 for the city park rose garden.

The award recommendations totaled a little over \$18,000. **Commissioner Murdock, in the matter of approval of 2013 grant of City of Adams Community Benefit Plan- Second Round, moved to approve Order Number BCC2013-074. Commissioner Elfering seconded and the motion carried 3-0.**

11. **Healthy Forests for Healthy Communities Act**: Doug Olsen presented the resolution, which was requested in support of the Act. Commissioner Givens commented that the resolution in support was put together by AOC to support HR 1526, which was put together by Greg Walden, Peter DeFazio, Doc Hastings and two others. It was patterned after Eastern Oregon Regional County Organization's request. Commissioner Givens added that a work group put together a letter with AOC that was published in the previous day's East Oregonian encouraging the congressional delegation to seek better utilization of natural resources, specifically lumber. **Commissioner Murdock, in the matter of support for Restoring Forest for Health Communities Act, moved adoption of Order Number BCC2013-077. Commissioner Elfering seconded. The motion carried 3-0.**

12. **Approve payable**: Doug Olsen explained that the payable was before the board because it exceeded the \$5,000 limit for staff. The payable represented the balance of the lodging costs for the entertainment during the fair. **Commissioner Elfering moved approval of the payment to Oxford Suites for fair entertainment in the amount of \$5,414.72. Commissioner Murdock seconded. The motion carried 3-0.**

13. **Approval of sale of property:** Doug Olsen reported that the approval was before the board for formal approval of the sale of property to the Odmans. Previously, the Odmans offer for the property was countered by the county at board direction. The counter offer was accepted. **Commissioner Elfering, in the matter of selling to Merl Glen Odman and Martha Ann Odman property acquired as a result of delinquent property taxes, moved approval of BCC2013-075. Commissioner Murdock seconded and the motion carried 3-0.**

**New Business:** None.

**Commissioners' Reports:**

**Commissioner Elfering:** The commissioner reported that he would be attending a meeting regarding the upcoming convention called the Northwest Robotics Rodeo and Tech Forum. There were more than 200 expected to attend the convention on October 9<sup>th</sup>. The convention represented the opportunity to encourage the industry to locate in Umatilla County.

The group of economic development leaders would like to obtain at least one company to locate via the convention. Locations were proposed along a runway at the Pendleton airport. The north-south runway was to be vacated for use as a taxiway and could be used for the Unmanned Aerial Vehicles (UAVs).

Commissioner Elfering reported that he met with Judge Tallman and Gary Neal from Morrow County regarding the LRA to ensure that there were some outright permitted uses in the zoning of the depot property.

The potential organization of the continuing LRA was to continue with the 5 member body. He would like to see the county's Economic Development Department involved going forward and noted that, economically, the north Morrow and Umatilla County projects were joined.

Commissioner Murdock commented that he understood the property had corn surrounding it. Commissioner Givens replied that there were agricultural operations on the north and east side.

Commissioner Murdock stated that would imply that the land on the property would be of a similar type.

Commissioner Murdock asked if there was any contingency plan to utilize the property in the interim between possession of the property and industry siting. Commissioner Elfering replied that there was already some industry interest in locating on the property, but the LRA had yet to become an ILRA and although approved, control of the property was not yet transferred because the asbestos issue was still in negotiation.

Morrow County would want consideration from the federal government to mitigate it or fund the mitigation. There were also electrical grid concerns and no transfers to the county or ports were expected for some time the as property would go to the LRA first.

Commissioner Murdock commented that he applauded the time, patience and diligence put into the process.

Commissioner Elfering commented that the LRA was now working through the large surplus property offerings from the Army.

The commissioner reported that they were moving into full swing for the Committee for Enhanced Public Safety and he was currently working on a letter offering presentations to local organizations. The brochure for the levy measure was nearly complete.

**Commissioner Murdock:** The commissioner reported that the current phase of renovation to the board office was moving along. He was hoping for substantial completion by the end of the week and advised that there would be a period on Thursday, the 19<sup>th</sup>, when the office would be inaccessible. He was continuing to negotiate for furniture, outside and inside the county inventory, and believed that he had some success in obtaining the historic furniture for the common space.

Commissioner Murdock noted that the professional development group was to present customer service training plans and would continue discussion of strategic planning.

**Commissioner Givens:** The commissioner asked Dan Lonai to put together a safety strategy for the courthouse. He thought the county should consider putting together an idea of changing employee entrances because the courthouse had 8 different entrances. He suggested that all the back entrances should be employee access only, with the elections, Court Street, Dorion and 4<sup>th</sup> Street entrances only for public access.

The commissioner also advocated the use of white boards in offices for a staff tracking possibility to be of assistance during an emergency evacuation, particularly in bomb threat circumstances. Commissioner Murdock commented that white board use had been useful in locating people in buildings under other emergencies, also.

Commissioner Elfering noted that e-mail addresses and direct telephone numbers for county departments and the commissioners were not on the website. Commissioner Givens responded that he did not know why the site did not have those, but believed that it was a tool to try to filter contacts through the main office. The board reached a consensus that e-mail addresses and direct line numbers should be published on the county website.

**Other Discussion:**

Commissioner Murdock added that there would be interviews held Tuesday, the 24<sup>th</sup> in the afternoon for the public health director position. The interview panel would be Paul Chalmers, Doug Olsen and himself.

**Scheduling of Next Meeting:** The next meeting will be held October 2, 2013.

**ADJOURNMENT**

The meeting was adjourned at 11:21 a.m.

Respectfully submitted,

Laura Headley  
Executive Secretary  
Umatilla County  
Board of Commissioners