

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Board of Commissioners' Meeting of October 16, 2013
9:00 a.m., Room 114, County Courthouse
Pendleton, Oregon

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

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Bob Heffner, Umatilla County Budget Officer; Phil Richerson, Oregon Department of Environmental Quality Hydrogeologist; Tamra Mabbott, Umatilla County Land Use Planning Director; Tom Demianew, Umatilla County Soil and Water Conservation District Executive Director; Shanna Hamilton, Umatilla County Soil and Water Conservation District Education, Outreach & Programs Coordinator

CALL TO ORDER

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

BUSINESS ON AGENDA

Approval of Minutes: The minutes of the September 24, 2013 Administrative Meeting and of the September 24, 2013 Executive Session had been reviewed by the board, but not placed on the agenda for approval due to time constraints. The commissioners agreed that the minutes of those meetings were ready for approval. **Commissioner Murdock moved to approve the minutes of the September 24, 2013 Administrative Meeting and of the September 24, 2013 Executive Session. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.**

Additions to the agenda: None.

Public Input: None.

Consent Agenda: None.

Agenda Items:

1. **Supplemental Budgets (4) - Public Hearing:** Commissioner Givens opened the public hearing at 9:04 a.m. Bob Heffner provided the reports for each of the supplemental budgets presented as related under each subheading below. Commissioner Givens opened the floor to the public for comment at 9:06 a.m. Commissioner Murdock asked Bob Heffner a question as to the characterization of the term materials and services. The floor was closed to comment at 9:07 a.m.

a. **Budget Order 2014-10 General Fund/911 Dispatch:** Bob Heffner reported that the supplemental budget became necessary through the purchase of new software system to be shared among the county's law enforcement and emergency services agencies, requiring an increase to the 911 Dispatch Capital Outlay appropriations, which would be supported by a General Fund transfer of \$295,896, which in turn was supported by a higher than expected ending cash balance. Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.473 for the fiscal year ending June 30, 2014, moved approval of Budget Order 2014-10. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.

b. **Budget Order 2014-11, Community Corrections:** Bob Heffner reported that Community Corrections received notice of changes in its grant structure, necessitating the supplemental budget. Commissioner Murdock, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved adoption of Budget Order 2014-11. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.

c. **Budget Order 2014-12, Drug Court:** Bob Heffner reported that changes in grant funding for the program resulted in a change in the business plan, precipitating the supplemental budget. Commissioner Elfering, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved approval of Budget Order 2014-12. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.

d. **Budget Order 2014-13, 2050 Plan:** The Board of Commissioners agreed to loan \$5,733 to the Umatilla County Water Commission to be supported by repayment of the short term loan. Commissioner Murdock, in the matter of a resolution adopting a supplemental budget pursuant to ORS 294.471 for the fiscal year ending June 30, 2014, moved adoption of Budget Order 2014-13. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.

2. **Procedures for Conducting Meetings of the Board:** Doug Olsen reported that under the terms of the county charter, the board was to adopt rules governing its meetings. On investigation, the last procedural rules were adopted in 1984. The rules were updated to make them consistent with Oregon Public Meeting Law. The proposed rules were circulated to the board. Commissioner

Givens asked what changes were made. Doug Olsen stated that some of the old rules were not as clear as they could be relative to notice and the provision to allowing changes to the meeting agenda following the published agenda was added. Also, the Executive Session rules were not as clear as they could be. The meeting characterization section was modified to specifically address administrative meeting identification and the board would apply Roberts Rules of Order to conduct of meetings. **Commissioner Murdock, in the matter of adoption of procedures for the conduct of meetings of the Board of Commissioners, moved adoption of Order Number BCC2013-078. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.**

3. **Award Contract for Purchase of Vehicle:** Doug Olsen stated that the item was coming before the board for the 3rd time for the Assessment and Taxation SUV. On the issuance of the RFP, the specifications were modified, clarifying that the warranty work was required to be performed within 30 miles of the vehicle's normal location.

Doug Olsen reported that proposals were received from Tom Denchel Ford for a 2014 Escape in the amount of \$23,000 and a 2014 Edge in the amount of \$24,960, from Power Ford for a 2014 Escape in the amount of \$22,195 and a 2014 Explorer in the amount of \$23,526 and from Hubbard Chevrolet in the amount of \$23,477.11 for a 2013 Equinox.

After the department director reviewed the responses, the recommendation was for the Equinox because of the timeliness of delivery of the vehicle. It was the only vehicle that was in stock at the expected time of the award of the contract. There was a dealer in Hermiston to perform the warranty work. The budget balance for the vehicle from the fund set aside for the purpose was just \$22 more than the bid.

Commissioner Elfering asked what the comparative gas economy was on the vehicles. Doug Olsen replied that the Equinox was rated better than the Edge and Explorer, but not as good as the Escape. However, the Escape was not in stock and delivery could be as much as 10 weeks into the future. The Equinox was on the lot at Hubbard, and off the state contract price.

Commissioner Givens asked how much delivery would cost. Doug Olsen answered that the dealer must deliver vehicle at the dealer's cost.

Commissioner Elfering moved to accept the recommendation of staff to award the contract for the purchase of the Chevrolet Equinox from Hubbard Chevrolet in the amount of \$23,477.11. Commissioner Murdock seconded. The motion carried 3-0 with Commissioner Givens, Commissioner Elfering and Commissioner Murdock voting in favor of approval.

4. **Appointment to Umatilla Basin Watershed Council Board of Directors:** Doug Olsen reported that the appointment was for a new individual to join the watershed council board. The council also still had vacancies for additional members. **Commissioner Murdock moved for the**

appointment as appearing on Order Number BCC2013-079. Commissioner Elfering seconded. The motion carried 3-0 with Commissioner Elfering, Commissioner Murdock and Commissioner Givens voting in favor of the motion.

5. **Lower Umatilla Basin Groundwater Management Area Update - Phil Richerson, DEQ and Tom Demianew, SWCD:** Tamra Mabbott asked the Board if it would be a good idea to provide a sort of primer for the two new commissioners and then ask for direction as to departmental involvement.

Phil Richerson set the topic goals and went on to report that a groundwater management area (GWMA) was established if groundwater contamination exceeded certain trigger levels. There were three GWMA's in Oregon. They were the Northern Malheur, Southern Willamette and the Umatilla Basin areas.

The Umatilla area was declared in 1990. He noted that shallow alluvial aquifers were most critical challenge in the Umatilla Basin.

An action plan was established as a voluntary program with the primary goal to reduce nitrate load to less than 7 parts per millions (ppm). To date, sufficient progress related to the nitrate load had been made to continue voluntary program participation.

In 2010 the first mandatory measurements were taken. The main sources of contamination originated from combined animal feeding operations (CAFO), and irrigated agricultural operations. The nitrate loading estimate was needed to determine the source of contamination. The largest source came from imported irrigated agricultural sources and largest domestic CAFOs. Application of contaminants was greatest on the imported agriculture side, as the result of repurposing the CAFO production to irrigated agriculture.

The efficiency of filtration was established by estimates. The amount of nitrogen leached into the groundwater was led by irrigated agriculture at 81.6% of the total volume. The well sampling group included about 31 wells.

The original goal was to decrease the nitrate load by 2009. However, the data showed more wells with an increase in the trends and no consistent pattern to the data locations. Phil Richerson reported that more locations were showing an increase than a decrease.

Commissioner Elfering asked how the department accounted for the differences. Phil Richerson replied that it was related to the direction of flow.

Commissioner Givens asked whether soil analysis was related. Phil Richerson replied that the soil quality was fairly simple, with the sandier soils having less ability to filter out contaminants.

He noted that the real estate transactional database showed the opposite trends. Those could result from the differences in the well depth and whether the samples were taken off the treated versus untreated end product.

As for the current status, the loading estimate was approved. The program was into years 2 and 3 of a research status grant and preparing a proposed scope of work to evaluate current irrigation and fertilization practices. It had been suggested that the program concentrate on onion and potato production and provide a future action plan for sub-region plans on hydrogeology to create greater efficiency in agricultural production.

Commissioner Elfering commented that based on the differences there was still a lot to know and the concentration needed to be determined. He asked, if the concentration was making no effect on the total aquifer, how was it known if there was a genuine high rate. Phil Richardson provided an explanation of the shallow water effect versus the deeper basalt aquifers.

Commissioner Givens asked how the program was drawing in the agricultural community relative to the nitrate use. Phil Richerson responded that there were several subcommittees involving the agricultural producers. The focus of the GWMA was alluvial wells, which were established above the basalt wells.

Tamra Mabbott commented that Tom Demianew was to present on the basalt preservation efforts, where the role of the planning department was to be aware of it. She asked what the Board envisioned as the ongoing role of the county related to GWMA's. Commissioner Givens suggested that there was a real nexus between development of properties and what the development would do to the GWMA. He felt the county needed to stay engaged related to data and trend review, but the county was not ready to go to a regulatory process.

Phil Richerson commented that statute did provide for regulatory action if the voluntary plans were not working with cooperation between the Department of Agriculture and the DEQ. Tamra Mabbott commented that the concern, if the problem was not addressed, was that the problem could reach the regulatory point.

Phil Richerson commented that the agency had prepared a second action plan request for the lead agency. Morrow County stepped up as lead agency to avoid the program defaulting to the DEQ for that second action plan. Commissioner Elfering asked if the program included testing of streams and rivers. Phil Richerson responded that they were tested.

Tom Demianew: Tom Demianew reported that because the Soil and Water Conservation District (SWCD) was a public district by virtue of its classification and was part of the GWMA, the district provided an educational process from the agricultural community through the residential processes to manage water quality. The district currently had an education grant managed by Shanna Hamilton.

Shanna Hamilton provided copies of handouts generated for the general public explaining the districts purpose and noted that the program provided speakers over the spectrum of groups, from schools to service organizations.

Tom Demianew added that each subcommittee had a plan to address individual concentrations. The SWCD was a catch all organization serving everyone, but the concentration for education was on the landowners of less than 40 acres.

Commissioner Givens asked if there was any discussion of future concerns in other parts of county and the possibility of addressing them before they became problems. Tom Demianew replied that was the purpose of the education provided by the district because they recognized the need to be proactive.

Commissioner Givens asked if any of the Critical Groundwater Management Areas in the basalt aquifer areas. Phil Richerson replied that 4 of the 5 were.

Tom Demianew stated that with respect to the water availability and quality, the Hermiston-Stanfield areas were an economic opportunity waiting to happen. However, the water infrastructure needed to be in place.

Commissioners Reports:

Commissioner Murdock reported that when he attended the Pendleton Chamber meeting He was coerced into making an impromptu presentation on behalf of the levy. He observed that there was only one question, which was about the future of the funding after the 5 years expired. He reported that his response was that there were two options: to make it permanent or to renew it for another 5 years.

Other Discussion: None.

Scheduling of Next Meeting: The next meeting will be held November 6, 2013.

ADJOURNMENT

The meeting was adjourned at 10:34 a.m.

Respectfully submitted,

Laura Headley

Executive Secretary
Umatilla County
Board of Commissioners