

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Administrative Meeting of January 22, 2014
10:30 a.m., Room 121, County Courthouse
Pendleton, Oregon

COMMISSIONERS PRESENT: Bill Elfering, Chair; Larry Givens, Commissioner

COUNTY COUNSEL: Doug Olsen

MEMBERS & GUESTS PRESENT: Bill Howard, Milton-Freewater Ambulance District Board of Directors Chairman; Dan Kilmer, Milton-Freewater Ambulance District Board of Directors Member; Gina Miller, Milton-Freewater Ambulance District Board of Directors Secretary; Patti Chapman, Umatilla County Elections Manager; Tom Fellows, Umatilla County Public Works Director; Phil Wright, East Oregonian Reporter; Dan Lonai, Umatilla County Administrative Services Director; JR Cook, Northeast Oregon Water Association Executive Director

CALL TO ORDER

The meeting was called to order at 10:31 a.m. Chair Elfering reminded all present that the meeting was a public forum.

BUSINESS ON AGENDA

Approval of Minutes: The minutes of the December 4, 2013 Administrative Meeting were presented for approval. **Commissioner Givens moved to approve the minutes of December 4, 2013. Commissioner Elfering seconded. Commissioner Givens and Commissioner Elfering each voted in favor and the motion carried 2-0.**

The minutes of the land use hearings of November 14 and December 12, 2013 were presented for approval. **Commissioner Givens moved approval of the 11-14-2013 and 12-12-2013 land use hearing minutes. Commissioner Elfering seconded. Commissioner Givens and Commissioner Elfering both voted aye to the motion. The motion carried 2-0.**

Additions to agenda: None.

Agenda Items:

1. **Appointment to Local Public Safety Coordinating Council:** Commissioner Givens noted

that the request was to appoint Kathryn Chaney, Executive Director of Domestic Violence Services to an at large position. **Commissioner Givens, in the matter of Appointment of Kathryn Chaney to the Umatilla County Local Public Safety Coordinating Council, moved approval of Order No. BCC2014-003. Commissioner Elfering seconded. Commissioner Givens signified approval of the motion by voting aye as did Commissioner Elfering. The motion carried 2-0.**

2. **Milton-Freewaer Ambulance Service Area Health District Election Billing:** Commissioner Elfering opened the topic by stating that it concerned the billing for a November 8, 2011 special election. Doug Olsen added that the purpose of the special election was to set a permanent rate for the district and to elect the members of the board of directors.

Bill Howard stated that the ambulance board recently received a billing for the most recent election, which was paid. The November 8, 2011 election was the result of discussions with the then provider who was seeking additional funding from the county. The commissioners decided the only possible solution was to establish a taxing district on the recommendation from a committee, requiring the election to set the permanent tax rate and elect the initial board.

After this occurred, the county provided short term funding to run the district and pay the provider until the ambulance district's was established. The ambulance district had no budget or funding until after November, 2012. No billing was sent out previously for the November 8, 2011 election. At the time of the most recent election's invoicing, the district board also received an invoice from November 8, 2011. Bill Howard stated that he met with the ambulance district board to discuss the billing, after which the ambulance board submitted its letter.

Commissioner Elfering asked for the specifics of the discussion with the board regarding the costs of the election. Bill Howard referred him to page three of the attachment to the letter from the ambulance board which contained his report on the meeting to determine financing of the district until the tax receipts came in.

Commissioner Elfering asked if, prior to the election, were there any discussion of the fee. Bill Howard replied that there was no discussion until the new ambulance board met in January. Doug Olsen noted that there was a meeting of the district board on December 20, 2011.

Patti Chapman commented that she believed that the November 8, 2011 invoice had been sent to the board previously.

Gina Miller added that although the funds to pay for the most recent election were budgeted, the November 8, 2011 invoice was not.

Commissioner Givens asked who should pay the bill. Dan Kilmer replied that if there was no entity to pay the bill, and the commissioners eventually moved the proposal forward, how would the entity get funding when there was none.

Commissioner Elfering asked if the matter was of an urgent nature and if a political action committee was formed. Doug Olsen replied that the Board of Commissioners formed a volunteer committee.

Commissioner Givens added that there was still a bill and the practicality was that the bill needed to be paid and the district believed that the county should be paid. Dan Kilmer agreed.

Commissioner Givens asked if the people in the district should pay the bill. Bill Howard responded that, per statute, a procedure requiring boards to pre-approve the bill existed. Patti Chapman added that statutorily, the district must pay for the election.

Commissioner Elfering asked that regarding groups promoting a levy, was there a process in place to make them aware of and arrangements for the costs of the election? Patti Chapman stated that since her tenure only a few districts were done. However, statute called for a deposit of \$100 per precinct to place a district on the ballot, but that on Board of Commissioner formation, no deposit had been collected or required. The districts that were formed did pay the election costs.

Commissioner Elfering asked if there was anything in place currently to notify those placing something like that on the ballot of the cost responsibility. Patti Chapman observed that the district should be advised of that by its attorney. Dan Lonai added that regarding the formation of the new fire district, if they chose to continue with the proposal, an election would be held. He cautioned that if the board chose to go down the path of excusing the payment of the election costs with one, it would set a precedent for the future and noted that the election cost invoiced was not reflective of the actual cost to the county because wages of staff were not included.

Commissioner Elfering noted that he would like to ensure that the situation here would not occur again by some sort of notification. Dan Lonai asked if that in the minutes or records of the Board of Commissioners discussions would there have been a discussion of the costs. Commissioner Givens replied that was not likely.

Dan Kilmer commented that if that were the case, how would they have known of their responsibility? Commissioner Givens noted that the radio district paid their costs and that they were formed in much the same way. Patti Chapman added that the program held their bill for them until the radio district was funded, but that the district then paid the costs in its first fiscal year.

Commissioner Elfering asked what would happen if the district ballot measure failed. Doug Olsen replied that the county would then pay for the election costs. If the measure succeeded, the district would pay.

Commissioner Givens added that it was not likely that the district members were advised of the bills and asked if the \$6,000 that the district borrowed from the county was re-paid. Bill Howard replied

that the total borrowed from the county was \$20,000 and that it was wholly repaid by way of a loan from the special districts' association in the district's first year of operation.

Commissioner Givens asked about the \$6,000. Bill Howard explained that it was the initial loan from the county to ensure the continuation of ambulance service.

Commissioner Elfering asked if the idea of the ambulance district was the idea of the commissioners. Bill Howard replied that it was not entirely.

Commissioner Givens provided a history of the events leading to the formation of the district, including the ambulance provider's threat to terminate service to the area, which led to the formation of a group to discuss the options available to the residents. That group recommended that a district be formed and the Board of Commissioners then formed the district based on the recommendation. The election followed those events.

Commissioner Givens asked what the specifics the election costs billed covered. Doug Olsen replied that the board of directors was elected and the permanent rate was established. Patti Chapman added that the costs were based on the number of voters in the district, the costs for postage and other items required to place the initiatives on the ballot. Patti Chapman repeated that those costs were to place the election of the board members and the permanent tax rate on the ballot.

Commissioner Givens asked who set the proposed permanent tax rate. Doug Olsen replied that was based on the recommendation by the advisory committee.

Commissioner Givens asked how the people running for the board decided to run. Gina Miller and Bill Howard both replied that they were asked to run. Gina Miller reported that Orrin Lyons decided to run because his circumstances at the time required that the ambulance services were available.

Commissioner Elfering commented that the people who devised the rate must have determined it from a budget or plan. Gina Miller noted that the permanent rate was the highest amount possible without causing compression.

Bill Howard noted that the district had no contract with the provider until the following July and that the district required an \$80,000 loan which was to be paid off by the following spring. The result of that was that the district expended its entire budget and needed another loan the following year to get it to the November distribution of collected funds.

The district board's hope was to have developed a residual fund in two to three years, but that there was a lot of uncertainty with the re-negotiation of the contract coming up shortly. He felt that the district board might be able to cover the outstanding bill in the future, but was not sure when, until after the new contract was negotiated.

Commissioner Givens acknowledged that the current contract tapped out the district's funds, but he did not want to set a precedent. It was his preference that the board not forgive the costs because it would set a dangerous precedent.

He asked if the district could cover the cost over an extended period of time, would that be acceptable. Gina Miller countered that he was suggesting installment payments and supported Bill Howard's comments as to the uncertainty of the district budget until after the contract negotiations were completed and suggested that once those were complete a time frame could be developed.

Dan Kilmer, in answer to Commissioner Givens, commented that if a bill was presented to him after the fact in business, he would not pay it, but a public fund was different. He, as a board member, would agree to installment payments.

Bill Howard noted that the county funds were derived from taxes and read through the county's mission statement as it appeared at the top of the agenda. He noted that he thought that he would not want to ask for additional funds from the residents.

Commissioner Elfering asked if the district board would expect the entire county to pay for the costs. Commissioner Givens added that the election benefitted only a certain area. Bill Howard replied that he had no idea what the new contract negotiations would bring and would like to have some discussion with the full district board and would defer the continuing discussion of the costs until after the new contract negotiations were concluded.

Commissioner Givens asked Dan Lonai for the effect on deferring the costs. Dan Lonai replied that they could set the billing back, but that the program would not want to set a precedent by excusing the payment. Deferring the payment was possible.

Commissioner Elfering asked how involved was the county in suggesting the action. Doug Olsen replied that the advisory committee was set to provide the recommendations. Commissioner Elfering was supportive of sharing some responsibility of the cost.

Dan Kilmer asked if the commissioners told the people on the board to expect the bill. Commissioner Givens replied no, that it was the same as any other board formation. Commissioner Givens commented that he did not think any of the costs were thought of. Bill Howard commented that none of the advisory board members were considering running the ambulance service.

Commissioner Givens suggested that Bill Howard would address his board and allow it to discuss a payment schedule with the understanding that would reduce the funds to pay the service. Dan Kilmer added that he would think that a cost share should be considered, also.

Commissioner Elfering stated that there should be a procedural change so that cost responsibilities were conveyed to districts, etc., notifying them that there will be a cost for the election. Patti

Chapman commented that perhaps that information should come from the meetings when the districts were formed.

Commissioner Givens suggested that Bill Howard discuss the suggestions made with his district board and return with a proposal.

Gina Miller conveyed the invitation to the Board of Commissioners to attend the January 30th district board meeting and noted that she supported a change in the procedure of disclosure of election cost responsibility.

3. **Annexation of Airport Road Property by City of Hermiston:** Commissioner Givens noted that the topic concerned the 19.5 acre property on Airport Road and to annex it into the City of Hermiston would be advantageous due to the zoning changes as a result.

Doug Olsen, in answer to a question regarding road involvement from Commissioner Elfering, stated that the only adjacent road was Airport Road. Tom Fellows commented that he would prefer that the city take the road as part of the annexation. Doug Olsen noted that the county could premise the city taking Airport Road with the annexed property. Commissioner Elfering noted that would be about 200 feet of Airport Road.

Commissioner Givens moved to provide consent to the annexation of Tax Lot 4N 28 13 1400, including that portion of Airport Road adjacent to the property. Commissioner Elfering seconded. Commissioner Givens voted aye and Commissioner Elfering voted aye on the motion, which carried 2-0.

4. **Withdrawal of Property from Mosquito Control District:** Doug Olsen reported that the item was brought to the board to review the petition and to set it for hearing. The item would require two public hearings. Commissioner Givens noted that there would not be a huge amount of tax revenue lost and asked what the sole purpose of the withdrawal would be. Doug Olsen stated that the costs and that the residents claimed that they received no service from the district. Commissioner Elfering commented that the purpose was to set the first hearing date on the petitioners' request. **Commissioner Givens moved to set the hearing for petitioners' request to withdraw from the district for March 11 at 9:30 a.m. Commissioner Elfering seconded. Commissioner Givens and Commissioner Elfering both voted aye on the matter. The motion carried 2-0.**

5. **Update to Special Transportation Funding Coordinated Human Services Public Transportation Plan:** Doug Olsen reported that the committee did its periodic review and updated the plan to reflect the change in the population and in the services provided. There were no other major changes and the plan was before the board for approval and adoption. **Commissioner Givens, in the matter of adoption of Umatilla County Amended Special Transportation Coordinated Human Services Public Transportation Plan, moved approval of Order No.**

BCC2014-004. Commissioner Elfering seconded. Commissioner Givens and Commissioner Elfering voted aye on the motion, which carried 2-0.

6. **Policy for Disposition of Surplus Property:** Commissioner Givens noted that the current policy had no provision for donation of property. Dan Lonai noted that the proposed policy specified the entities to which donation was permitted. **Commissioner Givens moved approval on the request to adopt Policy AS-9.0. Commissioner Elfering seconded. Commissioner Givens voted aye and Commissioner Elfering voted aye. The motion carried 2-0.**

7. **Export Drive Vacation:** Commissioner Givens summarized the request as shown on the pinkie and noted that each of the commissioners received a copy of the proposal.

JR Cook, representing the Port of Umatilla, explained that the request was based on the expansion of Hagerman Trucking. Export Drive was created some years ago by the port for a proposed rail spur expansion that did not transpire. The vacation of the drive would allow the company to fence the property, leaving an easement for the water line. All adjacent property owners agreed with the vacation of Export Drive.

Tom Fellows commented that the utilities easement would remain as an overlay.

Commissioner Elfering commented that it looked like the road would have been a dead end. JR Cook added that there also would have been an additional road development agreement.

Commissioner Elfering asked if there would still be an entry to the property where the road was. Tom Fellows answered that no access point was ever built for the road.

Commissioner Givens asked how the property was accessed. JR Cook replied that it was accessed off Bud Draper Drive. Mike Roxbury's only request was that the fire district retain access.

Commissioner Givens, in the matter of vacation of Export Drive, a public road platted in the 2007 Port of Umatilla Subdivision, moved approval of Order Number RD2014-01. Commissioner Elfering seconded. Commissioner Givens and Commissioner Elfering both voted aye and the motion carried 2-0.

8. **Temporary Part-Time Position:** Commissioner Givens opened the topic, stating that the item was a request for a part time employee to hire until the records manager returned. Dan Lonai added that the manager was out and a resolution was not expected until the end of June. The current coverage in the office was fine for a month or so, but the department was losing \$1500 a month because the law library was not staffed. He would like to bring in a part time employee at 19 hours per week to help staff the office. The object of that would also be to keep the GIS tech on GIS tasks.

Commissioner Elfering commented that the net cost to the county was actually a benefit.

Commissioner Givens moved to approve the hiring of a part-time employee through June 30, 2014. Commissioner Elfering seconded. Commissioner Gives voted aye and Commissioner Elfering voted aye. The motion carried 2-0.

Other Discussion:

Umatilla Basin Water Commission update: Commissioner Givens asked for an update on the dissolution of the commission. JR Cook reported that there were continued meetings with the Tribes and the commission and it appeared that everybody agreed with getting the test process off the commission.

An RFP was issued to seek a trust holder to complete the dissolution. It was hoped that the entire process including the finalization of the dissolution would be complete by the end of February. The most recent delay to the dissolution occurred due to the change in the Tribal representation on the board after their recent election.

Northeast Oregon Water Association: JR Cook announced that the board would be meeting this day and that he expected to publish a white paper with a 3 tiered approach outlining the plan to move forward to a path of permanency from the temporary bridge for the recharge projects. The association's immediate goal was to draw 500 cfs and eventually add another 500 cfs out of the Columbia. He expected that the association would know more on Monday. The three tiered approach had a three year time line in an effort to achieve a middle ground with the state.

JR Cook stated that the association hoped that the Board of Commissioners would join with the association. Other entities already joined and provided seed money. It seemed that there was a basin-wide buy in.

Commissioner Givens asked who was working on CRUST. JR Cook replied that he understood that the team finished its work, noting that Craig Reed, the NOWA Chair; Gary Neal, NOWA Vice Chair; and, Bob Levy, NOWA Secretary participated in the CRUST process. Luke Maynard was on the NOWA board, as well as participating in the CRUST process, also.

The information JR Cook had, indicated that the team was identifying long term goals. NOWA was formed because of the need to cover the gap until reservoir development took place.

Commissioner Elfering commented that he seemed to hear an echo from CRUST that it was wanted to continue and he was not sure that the governor understood that it was done. JR Cook added that the CRUST coverage was statewide where NOWA views the matters from the John Day Pool up.

Scheduling of Next Meeting: The next meeting will be held February 5, 2014.

ADJOURNMENT

The meeting was adjourned at 12:04 a.m.

Respectfully submitted,

Laura Headley
Executive Secretary
Umatilla County
Board of Commissioners