

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of October 15, 2014
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

** ** ** **

Commissioners Present: Bill Elfering, Chair; George Murdock, Vice-Chair, and Larry Givens, Commissioner

County Counsel: Doug Olsen

Members and Guests Present: Bob Ward, City Manager of Umatilla; Russ Pelleberg, City of Umatilla Public Works; Bill Searles, City of Umatilla Planner; John Turner, Port of Umatilla Commissioner; Bob Heffner, Budget Officer; Dan Lonai, Administrative Services Director; Tamra Mabbott, Planning Director; Kathleen Davidson, Office Manager, DA’s Office; and Phil Wright, East Oregonian

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CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair Bill Elfering reminded all present that the meeting was a public forum. It is being recorded and minutes will be taken.

Pledge of Allegiance. Those in the room stood, saluted the flag and recited the Pledge of Allegiance.

Awards/Recognitions/Correspondence

Chair Elfering noted correspondence: A thank you letter from Purswell Pumps for quick response by Sheriff’s Office Deputies when security alarms went off. Also, an email received from Grant County expressing gratitude for the Juvenile Department holding a dual murderer. They are in Umatilla County’s debt. Also, a letter was received from the Pendleton Police Department during Round-Up week – thank you to 911 dispatcher “Tabitha” for a great job at a busy time. Also, from Undersheriff Littlefield regarding deputies (about 16) for providing great security during the recent Craigen murder trial. Chair Elfering added the County’s thank you for keeping the courthouse secure and safe.

Commissioner Murdock noted in addition to other appreciation/recognition, a letter to District Attorney Dan Primus is in order for the huge amount of work he and his staff put in with a tremendous amount of time and good work during the Craig murder trial. Chair Elfering and Commissioner Givens agreed.

Minutes None at this time.

Additions to Agenda. None.

Recognition of Visitors/Public Input: Visitors can provide info at this time.

Chair Elfering asked if anyone wished to address the Board for anything other than items on the agenda. None were heard.

Agenda

1. **Transfer of Roads to City of Umatilla.** A Board Order is prepared for discussion and action. Commissioner Givens noted there has been a letter of opposition from the Port of Umatilla regarding this item. Chair Elfering introduced John Turner from Port of Umatilla. Mr. Turner noted that Kim Puzey, Port Director, had a meeting conflict or he would be in attendance today. Mr. Turner asked the Board of Commissioners to defer action on this item to take more time for concerns by Port; in addition, there are also zoning and land use issues to be resolved. He asked the Board of Commissioners to not make a decision today. Mr. Turner noted the County has maintained the roads in question and the Port feels it should be kept that way – the area is commercial in use and nature. Chair Elfering asked Bob Ward, City of Umatilla Manager, for his input. Mr. Ward noted the city is not averse to the Port's request to delay a decision. He appreciates the comment about maintenance of subject roads. The City is committed to manage roads and take some burden off the county (they can be there quicker, i.e. snow and ice removal). There is no pressing need for the City to take over maintenance of County roads. Mr. Ward noted that after the LUBA decision is made, the City will be amenable to that. The city is not in a rush to take over county roads.

Commissioner Givens asked Tom Fellows, Public Works Director, to comment. In particular, Commissioner Givens asked about maintenance by City. Mr. Fellows said snow removal is assisted by the City and area farmers. But the three roads in question, the main maintenance is done by County. Mr. Fellows said the roads are in excellent condition. One road, Bud Draper Road, is in good condition. Mr. Fellows agreed there is nothing pressing about the roads.

Chair Elfering asked if anyone else wished to address the Board. No one else spoke.

Commissioner Givens advised the reason he asked for this matter to be delayed is that he does not want the County to be pulled into any problems between City of Umatilla and Port of Umatilla – it is for them to work out. The County wants to divest itself of roads that can be taken over by another entity. It is an expensive proposition – gas taxes will be decreasing and will continue to do so. Mr. Fellows said tax funds may be less than budget needs. Commissioner Givens reiterated that the County does not want to be at odds with the City and Port. He does not intend to take sides; the goal is to take care of items that the County is required to handle.

Chair Elfering felt issues between the City and Port are separate from the discussion of roads today. He would prefer to separate this matter and encourages the City and Port to resolve their matters. He talked about what ifs and his feeling the County decision (regarding roads) should be kept separate. Commissioner Murdock noted he is torn back and forth – he noted the driver of the discussion to take over roads has been the County, not the City of Umatilla. With pending litigation, he wanted to know if a decision about roads will affect that. He talked about differences between residential or commercial. Ms. Mabbott added in answer to question about zoning and implication of roads, the roads are constructed to industrial standards. It is a LUBA decision about residential vs. commercial. Mr. Ward said the City is considering talking to the planning department about industrial roads. It is hoped that all streets in the City have curbs, gutters and sidewalks – that is something to be discussed. It is not anticipated that the one road status will not change – it should remain industrial.

Commissioner Murdock asked Mr. Ward if the County decision is delayed until the current matter is resolved, does he think City of Umatilla would change its position about taking over the roads? Mr. Ward talked about the road North of City Hall – one piece of property is in question. **Commissioner Givens** proposed a motion: since the issue is not really pressing and all are awaiting the LUBA decision, **he moved to table the action until after a decision is rendered by LUBA between the Port of Umatilla and the City of Umatilla.** Commissioner Murdock asked Mr. Olsen a question before the second, relative to property transfer, **can it be incorporated into motion?** Mr. Olsen advised the property transfer could be included. Commissioner Givens agreed to add into the motion to table the property conveyance (transfer) to the City of Umatilla along with the road transfer decision. Commissioner Murdock seconded with the addition to the motion as noted. Chair Elfering noted he would support moving forward, but with motion being made, he voted nay. **Carried, 2-1.**

2. **Property transfer item** is moot based on the motion of previous agenda item.
3. **Budget Transfers.** Bob Heffner, Finance Officer, presented the staff report. Budget Order 2015-12 is regarding the CAWEM Prenatal Program wherein donated dollars from Good Shepherd Health Care System and St. Anthony Hospital will be refunded in the amount of \$91,836 (General County Appropriations to General Fund Contingency). Budget Order 2015-13 is regarding the Civil Division - Sheriff's Office for freight and other miscellaneous items (in the amount of \$255) for the printer previously approved by the Board (Civil Capital Outlay and Civil Materials and Services).

In the matter of making a Transfer of Appropriations for the Fiscal Year ending 6/30/15, Commissioner Murdock moved to adopt Budget Order BCC 2015-12. Seconded by Commissioner Givens. Carried, 3-0. In the matter of making a Transfer of Appropriations for the Fiscal Year ending 6/30/15, Commissioner Murdock moved to adopt Budget Order 2015-13; Seconded by Commissioner Givens. Carried, 3-0.

4. **2003 Server Replacement.** Dan Lonai, Administrative Services Director presented the staff report. As of July 2015, Windows Server 2003 will no longer be supported. The County has twenty 2003 servers in the courthouse data center. Security can be an issue with software changes. Servers need to be upgraded. He is looking at buying a virtual server farm to connect – which will allow a large amount of space and will be good for backup and be more versatile. Also, there are “rebates” for energy savings of \$350 for each server – looks to be about \$4,000 back in energy dollars to moving to the virtual servers.

Mr. Lonai received a quote of \$95,329.05 from Dell to receive the servers, and he recommends that the County accept the quote. The County would be utilizing the WSCA governmental contract to purchase the equipment at a reduced negotiated price. In addition, CIS currently has \$14,000 budgeted this year for the project and Wind Farm Distribution funds in the amount of \$81,329.05 would be used for the remaining cost. Mr. Lonai noted the need to adjust the budget to meet the deadline of July 2015. Different scenarios were discussed for funding sources including financing, other budget line items, etc. Commissioner Givens asked about County website access and problems with Safari. He asked if upgrade of servers would alleviate the problem. Mr. Lonai responded he would look at Commissioner Givens' specific phone/computer to make sure set up is right. Mr. Lonai noted the web server is undersized and some

documents/files are very large. Chair Elfering asked about the July 2015 date – is that when the current support goes away? Mr. Lonai responded, yes. He also talked about security and some challenges with hardware and software platforms. Chair Elfering asked about the dollar amount, does it cover everything? Mr. Lonai: yes, licenses, backup, hardware and software. Chair Elfering asked if there is a way for the new system to last longer. Mr. Lonai responded that maintenance through Dell will be 5 years, paid up-front. That is guaranteed. Commissioner Givens commended Mr. Lonai and staff for keeping equipment running for a long time. Mr. Lonai noted good staff support now and into the future. Commissioner Murdock talked about working with Mr. Lonai for funding and financing of contracts and the need to not have long-term County obligations. **Commissioner Givens moved to approve the server replacement project as outlined for a cost of \$95,329.05. Seconded by Commissioner Murdock. Carried, 3-0.**

5. **Payable for Prenatal Program Refund.** Commissioner Murdock and Mr. Olsen noted this has to do with CAWEM program. Mr. Olsen provided background and due to the amount, Board approval is necessary. Commissioner Murdock noted he will contact both hospitals (St. Anthony and Good Shepherd Health Systems) to request that they keep a portion of funds (State) to stay at the County. **Commissioner Murdock moved to approve the payable to GSHS in the amount of \$61,223.95 and to St. Anthony Hospital in the amount of \$30,611.98. Seconded by Commissioner Givens. Carried, 3-0.**
6. **Creation of New Position – Victim Witness Advocate.** Kathleen Davidson, Office Manager of the DA’s office, provided the staff report in DA Dan Primus’ absence. As part of a new grant through the Department of Justice, the DA Victim Witness Program is requesting a new position. About \$120,000 was awarded (for two years). The position will be for that duration and will be assigned to the Hermiston office. **Commissioner Givens moved to create the new position as outlined. Seconded by Commissioner Murdock. Carried, 3-0.**
7. **Creation of New Position – Eligibility Specialist.** Mr. Olsen noted this new position is for the Intellectual/Developmental Disabilities Program. Commissioner Murdock noted the DD positions are all being paid for by the State. **Commissioner Murdock moved to authorize and approve creation of a position for Eligibility Specialist. Seconded by Commissioner Givens. Carried, 3-0.**
8. **Eastern Oregon Jobs Council.** Chair Elfering called the public hearing to order and stated the purpose is to adopt Ordinance 2014-11 and authorize an Intergovernmental Agreement. He asked for any abstentions? None were heard. He asked for any objections? None were heard. He then read the required statement and then he asked for a staff report. Commissioner Murdock noted history and the desire by the Governor’s office to break up (reorganize) the previous 24 county consortium to be more manageable. He noted he had attended a meeting last summer in Hood River and another meeting in Baker City with representatives of the Governor’s office and consultants; the upshot of which was reorganization of the new Local Workforce Investment Area for the Eastern Region. To help oversee the new board, the eight counties of the region are seeking to create a jobs council through an intergovernmental agreement. The proposal is to seek approval of the IGA for the Eastern Oregon Jobs Council, which requires ratification by ordinance. Commissioner Murdock noted the name of the organization had changed as of Monday (10/13/14); the name is now the Jobs Council for Eastern Oregon. He noted counties are

anxious to work together; it will be much easier for eight counties with common job interests to work together. Commissioner Givens asked about the dues structure. Mr. Olsen responded there were not dues that he recalled. Commissioner Givens recalled financial problems in the past and wondered if there is a potential for that moving forward. Mr. Olsen noted that issue was grants that were not properly complied with that required pay-back. Commissioner Murdock said in nearly 30+ years that there was no precedent set to seek pay-back from the other county members. He noted 42% of funds are directed to Umatilla County. Commissioner Givens felt that issues on the East side of the state are much better addressed when working together. Commissioner Murdock felt the capacity for control in our area is confined within the eight counties. Mr. Olsen noted the Workforce Investment Board will hold Umatilla County harmless. Commissioner Murdock talked about representation by two different sections and their expertise.

Chair Elfering then asked for any proponents? None were heard. He then asked for opponents? None were heard. He asked for any public agencies' comments? None were heard. Commissioner Givens asked who is the County's representative? Commissioner Murdock noted it was him. **Commissioner Murdock moved to adopt Ordinance 2014-11 and to authorize signing of the Intergovernmental Agreement. Commissioner Givens seconded. Carried, 3-0.**

9. **Marijuana Committee – Appointment of Meghan DeBolt.** Mr. Olsen noted now that Umatilla County has a Public Health Director, it is proposed to appoint Meghan DeBolt to the Marijuana Dispensary Study Committee to replace the acting director, George Murdock. **Commissioner Givens moved to adopt Order No. BCC2014-074. Seconded by Commissioner Murdock. Carried, 3-0.** Commissioner Murdock asked Mr. Olsen about his temporary appointment as Public Health Director. Mr. Olsen advised that Meghan DeBolt would become the statutorily appointed director. **Commissioner Givens moved to officially name Meghan DeBolt the Director for Public Health replacing George Murdock as the acting director. Commissioner Murdock seconded. Carried, 3-0.**
10. **Lifeways Director's Hold.** Lifeways is requesting to update those of its employees authorized to place a director's hold for custody or transportation of individuals. Order No. BCC2014-073 was presented and Chair Elfering read the list of the 15 individuals who are authorized to exercise allowable actions. Mr. Olsen noted the list was updated to current employees. **Commissioner Murdock moved to adopt Order No. BCC2014-073. Seconded by Commissioner Givens. Carried, 3-0.**
11. **Payable for Milton-Freewater Cemetery District Road.** Approval is sought for a payable in the amount of \$15,000 from Economic Development to the Milton-Freewater Cemetery District to help fund the road paving project. The Board previously approved the project on 10/01/14. And, due to the amount, it requires Board approval. **Commissioner Givens moved to approve the payable to Milton-Freewater Cemetery District in the amount of \$15,000. Seconded by Commissioner Murdock. Carried, 3-0.**
12. **Payable for Election.** This is for the November election ballots. The invoice is for \$13,917.85, requiring Board approval. This is a yearly routine expense for conducting elections, and has been budgeted. **Commissioner Murdock moved for approval of the \$13,917.85 payable for printing. Seconded by Commissioner Murdock. Carried, 3-0.**

Executive Session. None is required at this time.

Commissioners' Reports.

Commissioner Murdock reported about professional development for managers and also for staff. The County now has a very active IT training program; they are being held regularly with great response. There has also been good turn-out for customer service workshops. He noted H.R. had also expanded the invitation to State Courts for customer service (Roy Blaine and Patti Maness) and Susan Bower, who is putting on workshops, noted a big jump in turn-out. The programs are being very well received. Commissioner Murdock noted these programs are for all across the county. He also noted good cross-department collaboration (i.e. Health Department and Sheriff's Office) during these workshops. They are ways for different departments to interact.

Commissioner Givens reported. He attended AOC meeting on Monday (10/13) where two important issues were discussed. A group of counties involved in public lands/ natural resource committee wanted to push proposal through AOC to require the state to demand/ request transfer of federal lands back to the State of Oregon. A sub-committee for public lands was tasked with looking at the issue and to determine its merits. Commissioner Givens noted he, as second V-P of the AOC, was involved in that sub-committee. The sub-committee came up with a list of many questions. Other states were contacted. Utah was very interested. Alaska was not -- they still don't have federal lands all mapped -- until things are settled, they are not interested in pursuing this. Arizona is looking at it -- not in favor at this time. Colorado and California are not interested. Idaho is considering it, but may not get through the legislature. Montana is not interested. Nevada is looking at it, but not favorably. New Mexico is waiting for the AOC preference and two other states are not that interested. The resolution put forth was that AOC urges the Legislature to appoint a bi-partisan committee to study federally controlled lands. He read other bullet points with questions raised, including (in part) legal issues, financial concerns, entities involved, staff/employees, economic impact, wildfire suppression, costs sharing, etc. Commissioner Givens had moved to send the issues back to the sub-committee for further analysis, and to study the numerous questions posed, including the question of costs. The Resolution passed 17 to 7 in favor of sending it back. "Be careful what you ask for because it can be economically devastating". They also talked about Blue Mountain Forest Plan and meeting coming up with regional foresters and Greg Walden. Commissioner Murdock asked about the County's position of taking public lands back. Commissioner Givens noted the AOC will have to take a position and the County will make a position to present through the AOC. Chair Elfering asked about the legislature studying the concept. Commissioner Givens responded the issue will be that state agencies' study/analysis part (extensive, at a cost of about \$500,000 to \$600,000) before it is presented to the legislature. He noted the legislature is looking at reallocation of budgets; Governor's vs. legislative budgets. He feels we probably will not have Secured Rural School funds. Likely PILT will be one year at a time. There is a need to look at funding long-term. The federal government is very reluctant to turn over funds to State. Discussion continued about liability, lands, other states, cleanup of federal lands, and etc. Commissioner Givens noted that two of seven commissioners were certain that the federal government could be forced to give land back and also to guarantee payments along with that.

Commissioner Givens will go to MPO meeting later today to deal with personnel issues as MPO becomes a stand-alone entity.

Chair Elfering talked about AOC water issues and prioritizing proposals for Water Resources. Process is to go to the Governor first to adopt, and if adopted, to then go to legislature to adopt. He

also attended an open house in Boardman for their Veterans' Office. He wanted to look at it first hand to see if it would work in Umatilla County and into Walla Walla, WA. Commissioner Murdock and Chair Elfering talked about access issues for Veterans. Access to service is of utmost importance.

Back to Commissioner Givens who talked about the definition of water (in the Clean Water Act). AOC does not want to move forward with any more rules – to not propose any more rules. They opposed federal expansion into waters rules. In addition, NACO is fighting this issue as well.

There was no further business.

The meeting was adjourned at 10:20 a.m.

Respectfully submitted,

Melinda Slatt
Executive Secretary
Umatilla County Board of Commissioners