

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of November 5, 2014
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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

County Counsel: Doug Olsen

Members and Guests Present: Evan MacKenzie, Pendleton; Bob Heffner, Budget officer; Bob Stoltz, Print Shop; Robb Corbett, City of Pendleton; Tamra Mabbott, Planning Director; Shane Finck, Planner

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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 recognition and asked Commissioner Givens to make the presentation. Commissioner Givens read letter addressed to Tamra Mabbott, County Planning Director, from the Oregon State Planning Managers. Shane Finck is now an FSTM Flood Plain Manager. The certification is for those who complete requirements in order to prevent flood losses in the nation. In addition, Commissioner Givens presented a Certificate of Appreciation to Shane Finck for successful completion for examination regarding his certification. Thank you, Shane! A photo was taken by Bob Stoltz, Print Shop.

Letter from Tricia Deisch – to Comm. Murdock. Thank you for bringing together people regarding trust deed sale. Plans to clean up property and sell it. Thank you! Commissioner Murdock added that this is regarding a residential home that came back to the previous owner – Lifeways and Human Services came to meeting to assist this constituent. Chair Elfering noted good customer service for assisting when needed. He thanked Commissioner Murdock for his part with this.

A message was received by a citizen to Sgt. Holcomb regarding a CHL (Concealed Handgun License), commending the sheriff's office for quick turn-around time and thank you for great customer service.

Minutes From 09/09/14 Board meeting. **Commissioner Givens moved to approve the Board minutes from 9/9/14. Seconded by Commissioner Murdock. Carried, 3-0.**

Additions to Agenda. None.

Recognition of Visitors/Public Input:

Chair Elfering asked if anyone wished to address the Board for anything other than items on the agenda. Commissioner Murdock noted a recognition letter to Dan Primus, District Attorney, is in order for the huge amount of work he and his staff put in and tremendously good work especially recently for the murder trials. Chair Elfering and Commissioner Givens agreed.

Agenda

1. City of Athena Agreement (Law Enforcement Services). Sheriff Terry Rowan talked about collaboration with the City of Athena for law enforcement services. He provided history – he was invited to Athena City Council and about 30 citizens of Athena to talk about law enforcement (in light of County hiring their officer to go to Weston – another contract for law enforcement services). They talked about contracting with sheriff's office for him to go over items for recruiting or to go with a contract. Good discussion was had to get a firm grasp. After that, citizens asked for a vote to go with Sheriff's Office or to retain their own police dept. The majority voted for the contract with UCSO. First, is for approval of contract (80 hours of services per week – the equivalent of 2 FTEs), including picking up the current officer, maintaining at current wage for 1 year as required by state law. Calculations were done and the contract reflects that.

Secondly, Sheriff Rowan also requests approval to go forward with recruiting for 1 FTE and to move forward with the contract. He also calculated in costs as well as mirroring the Weston contract -- \$5,000 of the contract would go to a vehicle; there is also \$5,000 from Weston to go into a vehicle replacement fund. Sheriff Rowan noted a 3-year pilot project regarding vehicles and keeping within funding allotted. Commissioner Givens asked about 2 new deputies being covered in the contract. He noted benefit for small communities as well as the county. Sheriff Rowan said together we are strong, apart we are weak. He talked about 24-hour coverage and strains on small towns. With these contracts, security can happen. Chair Elfering asked if the Athena contract is comparable with Weston. Sheriff Rowan responded yes, except it is for two officers as opposed to one for Weston and the rest is essentially same. He will also have to talk to Budget Officer regarding the \$5,000 vehicle item.

Commissioner Givens asked about cross-over between two communities – how Sheriff feels it will work. Sheriff Rowan noted a pretty good partnership and feels this should continue. Coverage is broader with these two contracts. Commissioner Givens pointed out county deputies work in the county area and within the two cities. Sheriff Rowan noted time is tracked for dispatch and contract requirements; scheduling will be tracked for proper coverage. **Commissioner Givens moved to approve the Agreement with City of Athena for law enforcement services. Seconded by Chair Elfering. Carried, 3-0. Commissioner Murdock moved to authorize creation of two FTE Criminal Deputy positions. Seconded by Commissioner Givens. Carried, 3-0.** Chair Elfering expressed appreciation for a job well done in working through this contract (and others). There is good coordination of services and improvement for safety.

2. Land Use Hearing on Comprehensive Plan Amendment, Plan Map and Zoning Ordinance for City of Pendleton. Two representatives were in attendance, Evan McKenzie and Robb Corbett. Chair Elfering read the land use hearing statement. He called the hearing to order. The County's role is to conduct public hearing for City of Pendleton Ordinance Co-Adoption. (A map of the subject area was projected on the monitor). He then asked for staff report of summary, after

which time he would ask for proponents, questions, opponents, testimony when invited, and spelled out requirements for presenting.

Staff Report was made by Tamra Mabbott, County Planning Director. Summary: There are three legislative items. The first item is to co-adopt a comprehensive plan map (she referred to the map projected on the monitor). Cities and counties need to have the same map for the UGB – in this instance, there are no conflicts. She noted the only addition is the urban reserved area (Evan MacKenzie will speak to that). The second item is to acknowledge and adopt the city's population by Portland State – they have professional demographers. The City wants to do its own population projection for long-range planning purposes. They are expecting about 4,000 population increase in the next 10 years. The process was undertaken and that's what they came up with. The City came up with a zoning ordinance for flexibility (she referred to exhibit f in the commissioners' notebooks), a map under the "Pendleton" tab in those notebooks. The other map shows UGB area in yellow (the area shown in pink is the current city limits). Ms. Mabbott noted the importance of co-adopting with the City to apply provisions regarding the UGB.

She invited Evan MacKenzie, City of Pendleton Planner, to speak to the issue. He noted that Ms. Mabbott did good job of summarizing and explaining what they want moving forward. Internal issues were dealt with before presenting to the County. The Comprehensive Plan map was corrected – this plan is now in the County GIS; he noted it is a great benefit since maps are the same. He talked about lands, multiple different zones, and flexibility of uses is now allowed for/provided for. This amendment mostly covers undeveloped areas. A few downtown areas are zoned industrial as opposed to commercial. Mr. MacKenzie advised an acceptable formula was used for state approval. It is not known if (population) projection will happen at this time. Mr. MacKenzie advised the biggest area of concern is the Riverside area – zoning ordinance amendments are minimal. No annexation will be needed if property is developed as a result of this co-adoption. None of the changes will restrict rights any further – mostly it is more flexible.

Commissioner Murdock asked about the number of population immediately adjacent to Pendleton? He believes it is less than 1,000 (mostly in Riverside area). Commissioner Givens asked Ms. Mabbott if county roads would be affected with this. Ms. Mabbott responded it does not directly affect county roads. However, regarding the Joint Management Agreement, she and Mr. MacKenzie will work together to look at roads – in the future. At this time, roads are not affected. The Joint Management Agreement and City standards were addressed during the process.

Commissioner Murdock applauded both Ms. Mabbott and Mr. MacKenzie for their work on this. Commissioner Givens asked about any issues of JMA that may be created if co-adopted. Mr. MacKenzie answered no. His effort is not to change policy; this is primarily housekeeping to clean up the document that is about 20 years old. It will be easier to interpret. Policy changes/issues are a separate action and the city and county will work together. Ms. Mabbott corroborated on this and felt it is good to adopt and move forward. The JMA could be reviewed at a later time.

Mr. MacKenzie noted the need to evolve with the times; this update has been needed for a while. Ms. Mabbott added a goal is for transparency. Maps and roads, standards, city limits, county area all allow for clear understanding. Chair Elfering asked for proponents. None were heard. Chair Elfering asked for opponents. None were heard. Therefore, there was no rebuttal. Chair Elfering closed the hearing. The Board is to consider and adopt County Ordinance No. 2014-15. The City

of Pendleton completed a Periodic Review of Land Use Plan and requests the County co-adopt the City of Pendleton's ordinance, Plan Amendment #P-113-14, Comprehensive Plan Map of the City of Pendleton; Text Amendment T-14-058, co-adopt Population Projections; Text Amendment T-14-059, and co-adopt Zoning Ordinance Amendments. The City previously provided notice to landowners within the UGA. Criteria of approval for adoption of the amendments are found in Umatilla County Development code 152.750-152.754 and the Joint Management Agreement between the City and County.

Regarding Ordinance No. 2014-15 to co-adopt the City of Pendleton Ordinance No. 3836 Amending the Comprehensive Plan, Plan Map, and Zoning Ordinance, Commissioner Givens moved to adopt. Seconded by Commissioner Murdock. Carried, 3-0. Regarding Ordinance No. 2014-16 to Co-Adopt the City of Pendleton Ordinance No. 3814, Amending Comprehensive Plan for 2033 Population Projection, Commissioner Givens moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.

3. Co-Adoption of City of Hermiston Plan Map Amendment and Transportation System Plan – Ms. Mabbott noted that Clint Spencer from Hermiston planned to attend, but he was not present at that time. She reported that he had no objections and had agreed the co-adoption should move forward. Chair Elfering read the required land use public hearing statement (same as in first hearing regarding the City of Pendleton item). Chair Elfering asked for a Staff Report from Ms. Mabbott. She noted this item is to co-adopt (and recognize) Hermiston's Plan Map Amendment. It is mainly in the EOTEC area for annexation of that area. It will be urban rather than urbanizable. Ms. Mabbott referred to the Commissioners' notebooks tab for "Hermiston", and also referred to map projected on the monitor. She noted the green area is growth and urbanizable. A small amount of land denoted is urban area. City limits are light yellow (pink in the Commissioners' notebooks). On this matter, Mr. Olsen noted the piece of property is owned by the county and the city (just to the North of Airport Rd). This is proposed Ordinance No. 2014-13.

The second item the City of Hermiston has asked to co-adopt is for transportation plan update. Ms. Mabbott noted a couple of years ago, this was discussed with the City of Hermiston. Today, the County needs to adopt the city's transportation plan, amendments thereto, and update regarding the capital improvement plan. It did not change street standards. Chair Elfering asked for questions. None were heard. He then asked for those in favor? None were heard. Those against? None were heard. Chair Elfering then closed the Hearing.

In the Matter of Co-Adopting City of Hermiston Ordinance No. 2221 Amending City of Hermiston Comprehensive Plan Map, Commissioner Givens moved to approve Ordinance No. 2014-13. Seconded by Commissioner Murdock. Carried, 3-0. In the Matter of Co-Adopting City of Hermiston Transportation System Plan, and Ordinance No. 2219 Amending City of Hermiston Transportation System Plan, Commissioner Murdock moved to approve Ordinance No. 2014-14. Seconded by Commissioner Givens. Carried, 3-0.

4. Public Hearing for Supplemental Budgets. Chair Elfering called the hearing to order. He asked for a staff report from Bob Heffner, Budget Officer. Mr. Heffner presented Orders 2015-14 through 2015-17, and outlined each. 2015-14 is for General Fund (Building Maintenance) regarding an approved project to replace tile on the second floor of the courthouse. The project will require a \$22,369 increase in appropriations in Building Maintenance and Capital Outlay. State Courts will reimburse the county.

Supplemental Budgets

Budget Order 2015-15 is for General Fund (Computer Information Services). Approval was received to replace its Windows servers which will no longer be supported after 7/2015. This will require an increase of \$81,330 in Capital Outlay appropriations to supplement current budget of \$14,000 for the project. This will be funded by transfer of appropriations from the Wind Farm Distribution program.

Budget order 2015-16 is for General Fund (Victim Witness). A two-year VOCA grant was received by Victim Witness which will support an additional position. The position will require a \$40,920 increase in Personnel Services appropriations by the new grant.

Budget Order 2015-17 is the Community Benefit Plan Fund (Wind Farm Distribution). This program is supporting replacement of service by Computer Information Services (outlined in order 2015-15), requiring an \$81,330 increase in Wind Farm Distribution Transfer out appropriations. Support is provided by a transfer of Contingency in Wind Farm Distribution.

Chair Elfering asked for proponents. None were heard. He asked for opponents. None were heard. He closed the hearing.

In the matter of a Resolution Adopting Supplemental Budget for FY ending 6/30/15, Commissioner Murdock moved to adopt Budget Order 2015-14 (second floor building maintenance floor tile). Commissioner Givens seconded. Carried 3-0. In the matter of a Resolution Adopting Supplemental Budget for FY14-15, Commissioner Givens moved to adopt Budget Order 2015-15 (CIS / Windows servers replacement). Seconded by Commissioner Murdock. Carried, 3-0. In the matter of a Resolution Adopting Supplemental Budget for FY14-15, Commissioner Givens moved to adopt Budget Order 2015-16 (VOCA grant/Victim Witness). Seconded by Commissioner Murdock. Carried, 3-0.

5. Budget Transfer. Mr. Heffner noted this is a follow-up to previous items. Budget Order 2015-17 (Wind Farm Distribution regarding CIS servers. **In the matter of a Resolution Adopting Budget Transfer for FY14-15, Commissioner Murdock moved to adopt Budget Order 2015-17 (Wind Farm Distribution). Seconded by Commissioner Givens. Carried. 3-0.**
6. Creation of Positions – School Based Health Center. Mr. Olsen noted this is part of the reorganization of SBHC. Two new positions are requested to be created for the SBHC Program. The positions would be paid through existing budgeted funds. This will be replacement of two current positions. Commissioner Murdock noted considerable savings and will allow more streamlined services. **Commissioner Givens moved to approve creation of two new positions for School Based health Center Program. Seconded by Commissioner Murdock. Carried, 3-0.**
7. Delwood Place and Stock Drive Road. Mr. Olsen noted the purpose is for surveying and legalization of Delwood Place and Stock Drive Road (near Pilot Rock). Commissioner Givens asked about issues from landowners. Mr. Olsen responded yes, but they are in support of this action. **Commissioner Murdock moved to approve Order No. RD2014-44. Seconded by Commissioner Givens. Carried, 3-0.**

8. Set Hearing for Road Legalization. **In the Matter of Setting a hearing on the Legalization of Delwood Place and Stock Drive Road, County Road No. 1388 for December 3, 2014, 9:15 a.m. in Room 130, Umatilla County Courthouse, Pendleton, Commissioner Murdock moved to approve Order No. RD2014-45. Seconded by Commissioner Givens. Carried, 3-0.**
9. Set Hearing for Vacation of Portion of George Road. Mr. Olsen noted this road is located in Reith (formerly Doris); a petition was received from landowners abutting George Road to vacate a portion of the road. A date for hearing is requested. **In the Matter of Initiating the Vacation of a Portion of George Street, a Platted Public Road in the town now known as Reith, Commissioner Murdock moved to adopt Order No. RD 2014-46 for setting hearing on December 3, 2014, 9:30 a.m. in Room 130, Umatilla County Courthouse, Pendleton. Seconded by Commissioner Givens. Carried, 3-0.**
10. Set Hearing for Roads Transfers. **In the Matter of Setting a Hearing on the Transfer of County Roads to the City of Pendleton, Commissioner Givens moved to approve Order No. RD2014-47 (see Order for list of 11 roads in Pendleton), setting a hearing on December 3, 2014, 9:45 a.m. in room 130, Umatilla County Courthouse, Pendleton. Seconded by Commissioner Murdock. Carried, 3-0.**
11. Tax on Sale of Recreational Marijuana. Mr. Olsen noted as result of the Marijuana Dispensary Study Committee, consensus was to not tax medical marijuana, and to tax recreational marijuana. Based on election, Measure 91 passed. Under those terms, local taxation is pre-empted. Mr. Olsen said there is a deadline of 30 days for setting tax. There is some question about the validity of ordinances being adopted by local governments. If they want to adopt this ordinance, this is considered first reading. The proposed ordinance is based on one adopted by Lane County. Discussion about declaring emergency, effective date – he is concerned it would not be valid since Measure 91 passed. Commissioner Givens asked if we could just drop it for now. Mr. Olsen responded yes. In addition, he said the Board could do first reading of the ordinance; the second reading would be at the next Board meeting. Commissioner Givens talked about next board meeting – scheduled for 11/26 (day before Thanksgiving). Mr. Olsen noted a land-use hearing was scheduled for that day back in September. Commissioner Givens talked about notices for upcoming meetings and felt the Board needs to discuss this item. Mr. Olsen reviewed the timing requirement. First 30 days would be December 3 (by the terms of the ballot measure). May not be implemented until January, 2015. Specifically, the Measure preempts taxation by locals for marijuana (for producers). It can be adopted before 12/3/14, but cannot put emergency on tax clause.

Commissioner Murdock felt in favor of making statement and Commissioner Givens agreed. Mr. Olsen noted that Home Rule Counties (of which Umatilla County is one) have authority to ban marijuana based on federal law. That has not been totally settled, but it is an option. Under Measure 91, regarding sales, there would need to be a ballot under Umatilla County regarding sale of marijuana (but not use). Chair Elfering noted time and place by county is allowed. Mr. Olsen noted that on 7/1/15, sales can begin. Restrictions can be placed on when and where marijuana can be sold and it must be reasonable according to Measure. Commissioner Givens pointed out that 70% in Umatilla County opposed Measure 91. He wants adequate background and information for the County to say “not here”. Mr. Olsen said that banning use is a different matter and the County would have to defend that decision.

Mr. Olsen advised that this is the first reading of Ordinance No. 2014-12 in the Matter of Establishing Tax on the sale of Marijuana and Marijuana-Infused Products in Umatilla County. The hearing is to be set on the Ordinance. The hearing on the first reading was opened by Chair Elfering. He asked for opponents or deponents? Tamra Mabbott spoke on behalf of Marijuana Dispensary Study Committee. Consensus was to agree to no tax on medical marijuana. There were no opponents.

Mr. Olsen asked about the 11/26/14 Board meeting -- will there be a quorum for voting? Commissioner Murdock advised he will not be here. Chair Elfering talked about the 30-day period, to which Mr. Olsen said the hearing could be earlier. The Commissioners discussed their schedules. **Commissioner Givens suggested 11/24/14 meeting date be changed to 11/17/14, Monday, and so moved. Seconded by Commissioner Murdock. Carried, 3-0.** Mr. Olsen then said at that hearing would be the second reading of the ordinance.

Commissioners Murdock and Givens felt Mr. Olsen should explore issues regarding medical marijuana. **Chair Murdock moved to set the Second Reading of Ordinance No. 2014-12. Seconded by Commissioner Givens. Carried, 3-0.**

Commissioner Givens asked if the 11/26/14 land use hearing should be reset. Mr. Olsen advised that the Board Chair can open the meeting as the only Commissioner present and note that the hearing is to be continued. Ms. Mabbott advised she will contact the affected people regarding the land use hearing so they do not attend on 11/26/14.

12. Appointment of Bob Wolfe to Fair Board. With the resignation of Tammy Dennee, there is a vacancy on the Fair Board. The proposal is to appoint Bob Wolfe for the remaining term. **In the Matter of the Appointment of Robert B Wolfe to the Umatilla County Fair Board, Commissioner Givens moved to adopt Order No. BCC2014-079. Seconded by Commissioner Murdock. Carried, 3-0.**

Commissioner Givens acknowledged Jeff Wallace, Attorney and Senior Judge, in the audience. Commissioner Murdock acknowledged Tom Fellows, Public Works Director.

Executive Session. None at this time.

Commissioner Reports

1. Commissioner Givens noted he will have meeting with the MPO in Walla Walla. Things are settling down after many meetings. Requests for planning dollars are due by the end of November to be reviewed by TAC committee – completed and sent by February 14 or 15, 2015. Things are moving ahead. MPO is asking for more funds; they may be about \$20,000 short. Employment will be offered today to two staff people.
2. Milton-Freewater Building. Commissioner Murdock and Chair Elfering suggested waiting to discuss this further with the owner of a building that is being considered; they felt it is better to wait. Commissioner Givens agreed to wait to pursue discussions. Commissioner Murdock mentioned a memo after meeting with the Finance Director and Budget Officer, which is related to a building in Milton-Freewater. The recommendation from Budget and Finance will be discussed further shortly.
3. Commissioner Murdock had no report.

4. Chair Elfering commented that City Managers and Mayors of West End Umatilla County met at lunchtime – it was well attended. One issue is to work on animal control. Today, lunch and annual report with Lifeways. He will also attend a meeting regarding water issues with discussion to be held today.
5. Commissioner Murdock reminded the group that the County agreed to invite all Umatilla County mayors to meet together in early December. A date needs to be determined; the meeting is planned to be held at SHGC (Hermiston). Chair Elfering noted one group usually meets on first Tuesdays. Commissioner Murdock suggested trying to schedule time when the West End group meets. Chair Elfering suggested a “doodle poll” of mayors and city managers to decide date and location for a joint meeting. Melinda Slatt will handle.

There was no further business.

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary
Umatilla County Board of Commissioners