

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Meeting of February 4, 2015
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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Commissioners Present: George Murdock, Chair; Commissioner Larry Givens; and Bill Elfering, Vice-Chair (appearing by phone)

County Counsel: Doug Olsen

Members and Guests Present: Dave and Judy Price, BMA; Cindy Severe, Helix; J. R. Cook, NOWA; Bob Levy, Echo; Undersheriff Jim Littlefield; Sgt. Dwight Johnson (Search and Rescue); Jennifer Blake, Human Resources; Riley Wortman, CIS; Phil Wright, East Oregonian; L. Marie Gard, Security; Tamra Mabbott, Planning Director; Jaclyn Jenkins, DDA; Tami Partney, UCDA; Katherine Krael-Hernberg, DDA; Kathryn Hansen, DDA; Monte Ludington, DDA.

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CALL TO ORDER

The meeting was called to order at 9:05 a.m. by Chair George Murdock. He reminded all present that the meeting was a public forum, being recorded and minutes will be taken. If persons wish to speak before the Board of Commissioners, please identify yourself and where you live for the record. Two commissioners are present in person and Commissioner Elfering is participating via telephone today.

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

Awards/Recognitions/Correspondence

Chair Murdock noted several items/recognitions to address – one item is delayed until the individual is present.

Correspondence: (1) Thank you from the Athena First Citizens banquet for supporting Athena. (2) Thank you from Zack Scheibner, who was intern in BCC office for about 3 months. He will graduate from OSU this summer.

Recognitions: For many years, the County had an employee of the month. The program is in the process of being revamped. In the interim, a recommendation was received from Jackie Jenkins, DDA, for Riley Wortman, who is a great IT person. He has been a significant help in the office setting up the computer and systems; he is always good natured, kind and patient -- great skills and an asset to the County! Thank you, Riley for your professionalism and graciousness.

Sgt. Dwight Johnson recently was recognized as Pendleton's Man of the Year. Chair Murdock advised he has the recommendation package (very sizable), so he provided highlights only. Sheriff Rowan and Undersheriff Littlefield highly commend Sgt. Johnson, in particular for his courage in Search and Rescue helping to rescue a lost hunter. Pendleton Lion's Club spoke to his work with Boy Scouts, Warming Station, and others -- John Taylor notes Dwight Johnson always volunteers for anything that needs to be done. And, he is involved in various other important activities throughout Pendleton in various capacities – tireless volunteerism. 2014 Man of the Year award is well deserved. Sgt. Johnson spoke to the fact he is not alone – he is involved in groups of people who are equally as deserving. As a Sgt. in Search and Rescue, he is paid; but in his many other capacities, he is a volunteer. Commissioner Elfering spoke to Sgt. Johnson's great work ethic and professionalism. Congratulations, Dwight Johnson!

Chair Murdock read a letter from Police Chief Stuart Roberts, City of Pendleton. The letter is significant and he read the letter in its entirety, in particular, commending Jaclyn Jenkins, DDA, for her and the DA's office staff for their tireless work on the pending United Aryan Empire case. Mr. Roberts stressed the significance of the DA's office to embark on a journey into uncharted waters as a racketeering case. It is great to work with such dedicated public employees. Ms. Jenkins thanked DA Dan Primus – she is grateful to work for the County and all people in the DA's office. There have been many late hours and fast paced investigation in this particular case. She is grateful for the recognition. Commissioner Givens gave kudos to Dan Primus and all his staff. He has seen great improvements over the last few years in the District Attorney's office. Thank you! Commissioner Elfering also noted the long hours put in and congratulations to the DA's office for today's commendation.

Previous Minutes. None at this time.

Additions to Agenda. None at this time.

Public Input/Recognition of Visitors. Chair Murdock asked for any general comments. None were heard.

Presentations. Tamra Mabbott, Planning Director presented a draft of her department's 2015 Work Plan Project list, which had been provided previously to the Board. This is informal. She noted the Planning Department is very busy with a small number of staff. In deference to visitors, she does not need to elaborate other than what is on the list. Commissioner Givens noted work is cut out for Ms. Mabbott and her staff. He would encourage coordination to all involved – if she needs help to see him. Commissioner Givens moved to accept the Umatilla County Land Use Planning projects list Work Plan for 2015. Seconded by Commissioner Elfering. Carried. Thank you, Tamra.

Agenda. Chair Murdock moved Senate Bill 258 up to the first item.

1. **Senate Bill 258.** Ms. Mabbott reported. Approval is sought for comments to SB 258. The legislation removes provision that EFSC amended site certificate must require both parties to abide by local ordinances and state law and rules of EFSC, in effect on date amended site certificate is executed. It clarifies that requirement for parties to site

certificate to abide by local ordinances in effect on date site certificate is executed, does not include land use regulations. Public hearing on the Bill is set for 2/4/15 (today). Public testimony will be accepted, including written. Ms. Mabbott noted she prepared a draft letter in opposition for Board review; she also presented an attachment to be included. SB 258 was to receive testimony today, but with opposition, it was pushed back for testimony to be heard next Monday, 2/9/15. It essentially would make local land use standards different from Department of Energy for siting certificate standards. This is not good for local concerns – permitting is very serious and is in need of action at local level. SB 258 would allow many revisions to site certificates, in effect going over the local standards. SB 258 does a tremendous disservice to local citizens. They would treat local laws differently and locals would only get one shot. She discussed strong local feelings. Comments provide good insight into what locals want and need. Commissioner Givens provided some background. This originated with DOE (Department of Energy) and Facility Siting staff. Recommendations were prepared by DOE staff, and he feels it is a way to circumvent the local process. He recently met with Senator Bill Hansell and Representative Greg Baretto who helped push for testimony date to be pushed to next week in order to give time for locals to be able to testify and present written testimony. Ms. Mabbott and Commissioner Givens will attend legislative meetings in Salem on 2/9/15 to voice opposition to SB 258. Commissioner Givens noted he also asked AOC to hold off on taking any stand until after testimony is heard. Legislators need to know that testimony will be made. In addition, Ms. Mabbott will help on the EELU portion.

Chair Murdock asked for others to comment. Cindy Severe, Van Sycle Road, Helix, stepped to the podium. On another subject, she remarked about her husband being on the Grand Jury and praised the County DA and his office for their outstanding work. She then went back to SB 258, noting it has taken about the last 5 years of her life. She talked about her personal experience with the Helix Wind Turbine project as it relates to facility siting. It went from 60 turbines to 134 – also a large number of acres (nearly doubled) were added. What this does is it will nullify and negate ORS 469.401 to take away local controls of citizens. She and other citizens fought in 2011 to get a 2-mile set-back for protections. They have to comply with local ordinances and laws enacted since 2011. Ms. Severe also noted that she contested a case to EFSC. She spoke about a 90-day look ahead. They say they want to codify the Oregon Supreme Court decision – she feels it is not for EFSC to write law. She gave background of the Helix project and what happened after amending and expanding the facility – going around the local standards -- doubling in size, scope and impacts – this is completely out of local compliance. She feels local citizens' hard work have and would be circumvented. She noted the importance of 2-mile set-back from 2 years ago and support by Planning Commission and Board of Commissioners was great during that time.

Dave Price, Zerba Road, Athena. He belongs to the Blue Mountain Alliance. He feels Senate Bill 258 is very poorly written. It is backed by the DOE. He talked about background of how the bill came to be and what are its ramifications. He advised that he

can forward a copy of Dan Kearns' opinion (Blue Mountain Alliance's attorney) to the Board of Commissioners for their information. Mr. Kearns' opinion has 3 points. First, is the Supreme Court Case; second, is siting process for local authority; and third is the amendment process for local authority. There is quite a stir in the legislature. He can forward any information to help understand what is intended and what the push back would be. He appreciates the Board looking at the push back. Commissioner Givens noted he has looked at email trail (with Todd Cornett) and NOWA. It appeared to him that the bill was just cleaning up some things. What really bothers him is the DOE trying to push through something quickly to avoid opposition – that is his opinion. He appreciates Ms. Mabbott's expertise in this area and thanked her for her assistance with this issue. He feels the bill is contrary to sound public policy and, especially Goal 1, which is public involvement. Commissioner Givens feels it is like circumventing the local level involvement. Chair Murdock also agreed with Ms. Mabbott's work on preparing comments on behalf of the County (with Board review and input).

Bob Levy, Andrews Road, Echo, approached the podium. He feels it is bad legislation. He noted appreciation to Ms. Mabbott to bring Senate Bill 258 to forefront to get comments in a timely fashion. He wants the bill to be pulled, and at least it should be modified.

J. R. Cook, SW Marshall Ave., Pendleton, on behalf of NOWA (Northeast Oregon Water Association). He also expressed appreciation for Ms. Mabbott and the Board of Commissioners' support. He also received word that this bill was simply housekeeping – which it is not. NOWA voted at its meeting yesterday to oppose SB 258 and he will be following how things will proceed in the next few weeks. He feels it is state agencies proceeding to ride rough shod over local input. He appreciates Umatilla County stepping up to lead role to see through the veil; he feels it is bad policy and he does not want to see local input being circumvented.

Commissioner Elfering made a motion to approve the letter the Board will send to Salem regarding SB 258 speaking strongly in opposition to SB 258. Seconded by Commissioner Givens. Discussion: Commissioner Elfering feels it is another over-reach of attempting to take away local government control of local areas. County constituents are impacted and do not need to be run over by State agencies. Chair Murdock and Commissioner Givens will be attending AOC legislative committee sessions on Monday, 2/9, and will carry the message. **Commissioner Givens asked to clarify the motion and wanted the record to include that he and Tamra Mabbott will represent the Board of Commissioners, with the authority of the Board, at the 2/9/15 hearing to testify in opposition to SB 258 as well as presenting the Board's letter at the hearing. Commissioner Elfering agreed to include that as part of his motion. Commissioner Givens agreed with the second. Carried, 3-0.**

2. Weed Control Products Contract. Doug Olsen said this should be deferred to a future Board meeting as the information did not come in time.
3. Umatilla County Weed Board Appointment. Mr. Olsen reported there is a vacancy on the Weed Board for the Stanfield area position. Eileen Laramore is willing to fill the vacant position. **Commissioner Givens moved to adopt order BCC2015-019 for the appointment as presented. Seconded by Commissioner Elfering. Carried, 3-0.**
4. HB 2177 Opposition. Presented by Chair Murdock. The bill is from Secretary of State considering a mandate of voter registration through driver's licenses. The bill would impact the county fiscally by additional costs to mail out ballots to the approximately 14,000 new registered voters through the new electronic ODOT registration. The anticipated additional annual cost to the county is \$35,000/year. He feels it is well meaning legislation, but it puts undue hardship and financial burden on the county. The county cannot continue to shoulder unfunded mandates. Along with the Clerks Association, the AOC is also opposing the Bill. **Chair Murdock moved to adopt Order 2015-017 in opposition to HB 2177. Seconded by Commissioner Givens. Carried, 3-0.**
5. Wheatridge Project. Ms. Mabbott, Planning Director, reported she does not have all comments reviewed – it is 4 notebooks worth. An application for a wind facility project has been filed with EFSC. Comments are due February 11. She hopes to have county comments in draft form to submit by Monday with BCC review and approval to finalize comments. There is a question of transmission lines included in the project -- this cannot be done until affected landowners are notified of the location of the planned line. Local standards include the facility site as well as transmission lines to the grid. The EFSC process provides for local comments for proposed facilities – a special advisory group is selected. See Exhibit K in the site certificate. Commissioner Givens talked about permitting without connectivity. He asked Ms. Mabbott about the standard of a project having to do separate permit – and about connecting line. Ms. Mabbott responded that the county code requires transmission lines and the project to be permitted simultaneously. The county's substantive code she believes also applies to an EFSC permit. There will be about 50 miles of transmission lines across potentially high value agricultural property. She added there are 3 different alternatives for transmission corridors (not included in the application, but she obtained maps separately). Commissioner Givens also wondered about alternatives, how much impact there will be on circle irrigated farmlands? Ms. Mabbott provided a map to the Commissioners outlining the three alternative corridors. Bob Levy noted there have been a multitude of problems in the process. He said building on property must include access – why is it different for energy facility siting? This whole process of submitting an application without transmission connections is not good, in his opinion. He feels there are a lot of land use issues with this particular application. It appears EFSC is not interested in local citizens input and the impacts on them. He feels local planning is trying to be bypassed by EFSC in this process.

Ms. Mabbott noted that February 9, 2015 is the deadline for comments, with final comments made by 2/11/15 (public testimony and written, as discussed previously). Consensus by the Board was to direct Ms. Mabbott to provide draft comments about the project as outlined today. Commissioner Elfering said he agreed, there is no way to go forward without knowing where transmission lines are to be. **Commissioner Givens moved to authorize Ms. Mabbott to submit draft comments to EFSC on the Wheatridge Project based on information provided to the Board and discussion on the matter. Seconded by Commissioner Elfering. Carried, 3-0.**

6. NAIFA Donation. Commissioner Elfering reported. The Blue Mountain Chapter of NAIFA (National Association of Insurance and Financial Advisors) has donated \$5,000 to Umatilla County to fund special projects as selected by the Board of Commissioners. To accommodate the donation, a reserve fund is necessary, to accumulate interest and to carry over any balances to the next fiscal year. **Commissioner Elfering moved (1) to accept the donation and (2) to adopt Order No. BCC2015-018. Commissioner Givens seconded. Chair Murdock noted that representatives from NAIFA presented the information to the Commissioners earlier in the week. Carried, 3-0.**
7. Bower Contract Amendment. Chair Murdock noted Susan Bower's work with professional development has been outstanding over the last year. Presentations and individual work with Human Resources issues has been invaluable. Susan Bower's work has exceeded expectations. The contract was amended 7/1/14. Most work required by the contract has been completed; some additional meetings with managers were included. Additional work with certain offices is necessary and was not included under the scope of work. Ms. Bower will provide a status report on work completed and that needing to be done. Discussion on additional amendments is requested and also possible amendment of the payment schedule. **Commissioner Givens moved to approve and authorize amendments to Susan Bower's contract. Seconded by Commissioner Elfering. Carried, 3-0.**
8. RC&D Council Representative. The County has a representative on the Columbia-Blue Mountain Resource Conservation & Development Council. Chair Murdock noted the recent reorganization necessitates naming a representative to the RC&D and the council also has a role in the county tourism program. Order No. BCC2015-011 appoints Commissioner Elfering as the county representative to the Columbia-Blue Mountain RC&D Council. **Commissioner Givens moved to approve the order. Seconded by Chair Murdock. Carried, 3-0.**
9. CAPECO Board Representative. The County has a representative on the Community Action Program of East Central Oregon board of Directors. The proposal is to appoint Chair Murdock as the county representative. **Commissioner Elfering moved to adopt Order No. BCC2015-016. Seconded by Commissioner Givens. Carried, 3-0.**

10. Umatilla Chamber of Commerce Grant. Commissioner Elfering noted support was made last year and \$10,000 is requested this year by the Umatilla Chamber of Commerce & Visitor Center in order to continue the tourism and economic development. He noted funds are available in the budget. **Commissioner Elfering moved to approve a grant to the Umatilla Chamber of Commerce in the amount of \$10,000 to be paid equally from Tourism and Economic Development funding. Seconded by Commissioner Givens. Chair Murdock agreed with the value of tourism and economic development provided by the Umatilla Chamber. Carried, 3-0.**

11. Cunningham Sheep Payable. Doug Olsen reported. Authorization is sought for a payable to Cunningham Sheep Co. in the amount of \$20,469.26 for wolf management. Board approval is sought due to the amount. **Commissioner Givens moved to approve the payable to Cunningham Sheep Co. in amount of \$20,469.26 from the Wolfe Compensation Fund. Commissioner Elfering seconded. Carried, 3-0.**

Chair Murdock asked if there were any items the commissioners would like to see on future Board agenda. He noted the work session meeting with landowners on the February 17th in connection with the Hemingway Project is one item. He feels there are two other items to include: a discussion and Board resolution regarding pending legislation about the 2nd Amendment, and also discussion about the Forest Service (Blue Mountain Forest Plan).

Commissioner Reports

Commissioner Givens has been heavily involved in the Blue Mountain Forest Plan. The plan process itself has gone on for nearly 10 years. The Forest Service put out a number of alternatives and all have been rejected by the Eastern Oregon Counties Association. There was an MOU (Memo of Understanding), which is now expired. At a recent meeting (January 26), the Forest Service wanted an MOU signed. He on behalf of Umatilla County and all other counties declined. He noted the Board of Commissioners as a whole must review the document before signing approval. He has asked Mr. Olsen to review any MOU that is submitted, and he wonders if our county needs to sign such a document. He has concerns about being tied down and limiting the county's ability to work with the Forest Service on behalf of our citizens. He feels coordination is very important. Chair Murdock agreed with Commissioner Givens. It was clarified that the county has not signed any MOU – any document presented by the Forest Service will be reviewed, scrutinized and determined if the county should sign such a document. Commissioner Elfering agreed; the county must review any document and be at the table for decisions. Mr. Olsen noted he has not seen any proposed Memo of Understanding. Commissioner Givens noted trust is a huge item for the county and its citizens with the Forest Service. He suggested county involvement with directions to the Forest Service as to what we want rather than the Forest Service proposing items and for the county to take it or leave it. The Forest Service needs to answer questions posed by locals.

Commissioner Elfering noted while he is out of the office, he is connected by internet. Chair Murdock noted at Monday's staff meeting, discussion included Senate Bill 258, the Second Amendment, and NAIFA.

Commissioner Givens noted he will be traveling to Washington DC for the NACo Legislative conference. Commissioner Elfering and Chair Murdock will be at the Board meeting on February 18th. Chair Murdock also reminded all of the meeting of landowners and the Board of Commissioners regarding the B2H project (Boardman to Hemingway) on 2/17/15.

Commissioner Givens said he will not attend DOGAMI meeting on Friday as planned due to the situation of the DOGAMI deputy director. Logistics are being figured out for upcoming DOGAMI meetings.

Commissioner Elfering noted email from AOC about a luncheon on 2/26/15. He and Commissioner Givens will be returning on February 26. Chair Murdock will be returning on 2/25. Commissioner Elfering would like to attend, but he may not be able to. Commissioner Givens noted he probably will not attend since he feels there is not a big impact to our county. Commissioner Elfering felt it may be an advantage to network about Umatilla County products but if we cannot attend, so be it.

Discussion turned to the upcoming NACo Conference and the need to determine calendar of events; commissioners will coordinate their individual calendars and for any jointly scheduled commitments. Melinda Slatt will work with offices of Wyden and Walden and others to get all schedules together.

There was no further business.

The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary
Umatilla County Board of Commissioners