

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of February 18, 2015
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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Commissioners Present: George Murdock, Chair, and Commissioner Bill Elfering
Absent: Larry Givens, Vice-Chair, was not present.

County Counsel: Doug Olsen

Members and Guests Present: Undersheriff Jim Littlefield; Capt. Stewart Harp; Capt. Dave Williamson; Marie Gard, Court Security; Bob Heffner, Budget Officer; Phil Wright, East Oregonian; Angie Curtis, State Courts, DTCA; Roy Blaine, State Courts, TCA; Tom Demianew, Umatilla County Soil & Water Conservation District, Manager; Brian Wolcott, Walla Walla Basin Watershed Council, Executive Director

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CALL TO ORDER

The meeting was called to order at 9:05 a.m. Chair George Murdock reminded all present that the meeting was a public forum. It is being recorded and minutes will be taken. He asked indulgence of people here today -- the agenda is complex -- there are land use hearings, supplemental budgets, presentations and different procedures. If persons wish to speak before the BCC, identify yourself and where you live for the record.

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

Awards/Recognitions/Correspondence. None.

Minutes None at this time.

Additions to Agenda.

Doug Olsen noted one item added today is regarding the Mental Health Program -- a resolution. It is on the agenda on the screen.

Public Input/Recognition of Visitors. Chair Murdock asked for any general comments. There were none.

Agenda

1. **Devin Zone Change -- Land Use Hearing.** Chair Murdock called the public hearing to order at 9:05; he read the required hearing language -- and spelled out the Devin Zone Change along with the other required items. There were no questions about procedures.

Tamra Mabbott, Planning Director, gave the staff report. The zone change was approved unanimously on 1/22/15 by the Planning Commission. This is very straightforward; it is not complicated. She referred to the report and map projected on the screen. On page 2, item 6 of the Report to the Commissioners was information about the parcels and other information specific to the boundary line adjustment. Clint Spencer, City Planner, is in support. If approved today, it will go to the City of Hermiston for action. Findings are included; the only change is on page 11. If approved, the decision would be to include 2 conditions -- signing an Irrevocable Consent Agreement, and to submit the request to the City of Hermiston. It does not become final until approved by the City of Hermiston. Chair Murdock asked about Gettman Road. Ms. Mabbott noted it is a dirt road; it only allows for 1 additional home, not a subdivision. She noted Ms. Devin was present that day along with her attorney, David Hadley.

Chair Murdock asked for others wishing to speak in favor. David Hadley, attorney in Hermiston for Devins. He advised in 1972, zoning for the subject property there was EFU zoning. In 1983 the Comprehensive Plan was in process; he provided additional history. There were gaps noted in the UGB out of Hermiston. Future expansion area was designated. At the time, there was concern of an FU zone in that area. The City of Hermiston adopted its Comprehensive Plan, which said it was an FU10 zone. There is a 10-acre minimum. When the Board of Commissioners co-adopted the City of Hermiston's Comprehensive Plan in 1983, zoning was scrutinized and something was added in the language. The Devins desire to make the conversion at this time for a boundary line adjustment. He said Ms. Mabbott's report covers everything and he would echo the contents. Chair Murdock asked for questions. None were heard. Tiah Devin was present; she did not wish to speak.

Chair Murdock asked for opponents. None were heard. He asked if any public agencies wished to comment. None were heard. There was no rebuttal. He closed the public hearing was at 9:17 a.m. Deliberation followed. **Commissioner Elfering moved, in the Matter of Amending Zoning Map from Exclusive Farm Use to Future Urban 10 for Richard G. & Tiah B. Devin, to approve Ordinance No. 2015-01. Seconded by Chair Murdock. Carried, 2-0.**

Ms. Mabbott asked that the Board also adopt the findings: the proposed Zone Change for the Devins complies with the county Comprehensive Plan (allowing the landowners to complete a boundary line adjustment application, creating two approximately 10-acre parcels. Then, ultimately, a new dwelling could be permitted on the vacant 10-acre parcel, for a total of two dwellings on the 20-acre tract). **Commissioner Elfering moved to approve the draft findings as well (as noted immediately preceding). Seconded by Chair Murdock. Carried, 2-0.**

2. Report by Captain Harp - Courthouse Security. He provided an overview about court security. A couple of meetings have been held along with discussions with staff, looking to the future. He referenced ORS 166.370, 339.315, 297.405 and 166.291. At this point, the County is looking to see what needs to be changed and what is the overall need. Undersheriff Littlefield spoke to the overview. The goals are to see what is working and what needs improvement. Just over one year ago, he, Capt. Harp, Capt. Williamson, Commissioner Givens, and Dan Lonai made an overview of court security in Pendleton and in Hermiston.

They developed a list of items to address, from low to high cost, to make buildings more secure. Security is a must. Public access and convenience must be considered with security at the forefront. A plan was implemented to increase security by limiting access, putting alarms on doors, and redirecting public traffic. Now, the need is to determine funding and how to go forward. Transport of inmates (to court) is under the umbrella of corrections. Capt. Harp will command Court Security of UCSO along with his other duties. They are looking at ways to try to do more with personnel to address needs of court security. Other meetings have been held with Commissioner Murdock and Roy Blaine, Trial Court Administrator, to develop more plans and to be more proactive. Chair Murdock liked the word proactive as there have been several near misses at the courthouse. Undersheriff Littlefield said discussions have been good for a proactive approach. The public will be made aware of changes (posting of notices). For the record, Chair Murdock noted security meetings will continue. He wanted to have a plan and work with budget accordingly. Mr. Blaine had nothing to add at this time. The board thanked Capt. Harp and Undersheriff Littlefield for the report.

3. Supplemental Budgets. Chair Murdock opened the Public Hearing at 9:27 a.m. Bob Heffner, presented five supplemental budgets including: Budget Order 2015-40 (General Fund - Emergency Management), has been awarded a Hazardous materials Emergency Preparedness grant requiring a \$5,350 increase in Materials & Services appropriations. Budget Order 2015-41 (General Fund – Building Maintenance) requires an increase of \$6,529 in its Capital Outlay appropriations for installation of tile in restrooms on the second floor of the Courthouse. Support for the appropriation increase will be provided by grants from State Courts. Budget Order 2015-42 (General Fund – Elections) requires a \$6,725 increase in Capital Outlay appropriations for purchase of a new address printer. Elections will support the increase with transfer of appropriations from its Materials & Services category. Budget Order 2015-43 (General Fund – Planning) requires a \$25,000 increase in its Materials & Services appropriations for expenditure of monies for a Highway 395 project. The increase will be supported by a state grant. Budget Order 2015-44 (County School Fund) requires an \$8,000 increase in its Materials & Services appropriations for higher than anticipated school payments. The increase is supported by higher than anticipated local receipts.

Chair Murdock asked for public comments. None were heard. And, there were no questions. He closed the Public Hearing at 9:30 a.m. **Commissioner Elfering moved, In the Matter of a Resolution Adopting a Supplemental Budget for FY ending 6/30/15, to adopt Budget Order 2015-40 (Emergency Management adjustment of \$5,358). Seconded by Chair Murdock. Carried, 2-0. Commissioner Elfering moved, In the Matter of a Resolution Adopting a Supplemental Budget for FY ending 6/30/15, to adopt Budget Order 2015-41 (Building Maintenance adjustment of \$6,529. Seconded by Chair Murdock. Carried, 2-0. Commissioner Elfering moved, In the Matter of a Resolution Adopting a Supplemental Budget for FY ending 6/30/15, to adopt Budget Order 2015-42 (Elections, a \$6,725 increase). Seconded by Chair Murdock. Carried, 2-0. Commissioner Elfering moved, In the Matter of a Resolution Adopting a Supplemental Budget for FY ending 6/30/15, to adopt Budget Order 2015-43 (Planning, a \$25,000 increase). Seconded by Chair Murdock. Carried, 2-0. Commissioner Elfering moved, In the Matter of a Resolution Adopting a Supplemental Budget for FY ending 6/30/15, to adopt Budget**

Order 2015-44 (County School Fund, a \$8,000 increase). Seconded by Chair Murdock. Carried, 2-0.

4. Presentations By SWCD and Watershed Council. Power Point presentations were made, the first by Brian Wolcott, Walla Walla Basin Watershed Council. Annual presentations are made to the Board of Commissioners by three natural resource councils. Mr. Wolcott gave background of board representatives, primarily working on water management, measurement, and irrigation, also fish habitat and passage; monitoring groundwater levels and other things. Budget totals \$1.5million. Since 1994, \$19 million of funding has been brought in – mostly to buy pipe and for fish passage projects (listed on monitor). BPA is a major funding source for fish.

Ms. Mabbott asked about grants from ODFW. Mr. Wolcott advised there are two small grants at this time.

He went on to talk about an Oregon aquifer recharge project and map of five places (located near the Milton-Freewater area). He noted two sites in Washington and two new sites are going through the permitting process. He noted groundwater levels have been decreased in last several years. Sites were depicted on the next slides, the largest of which is Johnson. He talked about farm ground still in production with underground water and about fish habitat on the Walla Walla River. Coming in the summer of 2016 is a project to work on habitat and passage. He also showed fish passage including piping and the system. Maintenance was done last summer after the first high flow. It is working well. He then went on to ditch piping project -- State, BPA and Water Resources funding sources will be needed for this project (Hudson Bay Company) to keep costs down as much as possible. Other slides showed the Walla Walla River supply strategy with six items listed to achieve it, and water monitoring (a total of 60 sites in Oregon and Washington). With that monitoring information, an analysis of water flow can be put together – lows and highs – and water returns information is obtained. The largest project last year was for fish passage totaling \$600,000 (getting fish upstream for spawning). The project was completed in October and performed well with recent high water.

Commissioner Elfering asked about improvement of instream flows – how many Oregon farmers benefit? Wolcott responded that near Umapine, two have new rights and previous water right holders now have water where it was dry for many years. As water is instream, senior water right holders are in Washington. Some accept lease programs; they take a portion, but let some go past diversion into Oregon. Re-piping back from Columbia, it will go clear back to Milton-Freewater and to Hudson Bay – similar to what is done in Hermiston, but longer pipeline is involved.

Tom Demianew, Director of UC SWCD, presented for the Umatilla County Soil and Water Conservation District. Vision and mission statement is revised since the business plan is to be updated in June this year. Power Point showed business plan; projects that were funded and completed last year. Field reviews are included, also CRP – about 20,000 of fields were reviewed. Risk Management is a part of the process. Also, how to improve soils through the US Department of Agriculture. They also cover how to address stream corridor problems by landowners. There are 319 Education Grants for Environmental Quality. Two workshops on

that topic were held in Hermiston last year. One major issue is septic systems – they reapplied for a 319 grant for septic issues. CREP installation -- this is a great well-known system – buffer area outside “the radar”. The CREP was down for the last 3-4 years, but applications for CREP increased in the last three months.

Umatilla Basin Watershed Council, John Stahldine. He moved here last year from Minnesota. Their biggest project is Dillon Dam, which is a diversion dam, lower Umatilla, 25 miles up the River. It was built for flood irrigation, primarily serving Dillon Irrigation area. Through their studies, it has become a prevalent fish passage area – high on CTUIR and ODF&W’s list. The dam works well and has shown good progress on this project. They are in middle of wrapping up the pipeline design of Dillon Dam; it should be done in one to two months. After that, a bid will go out. Grant funds are available and more will be sought to make up higher than expected costs. It is anticipated that construction of the pipeline will be in late 2015 or early 2016 for 2016 field season. Removal of the Dillon Dam will occur in 2016.

Another prominent project is the Birch Creek Assessment & Action Plan. It is a partnership of ODFW, Forest Service, CTUIR, SWCD, primarily funded through BPA and the Tribe. He went over timeline (on his Power Point) showing events to determine an action plan. He went on to discuss coordination of groups and how they work together. In addition to restoration projects, they do water quality monitoring. Something new this year, precipitation differences in small geographic distances. Sediment data is being collected in connection with precipitation to be useful for all.

Another big project is the Oxbow Floodplain Re-vegetation, which is owned by the Bureau of Reclamation. He noted site restoration to meet the goals of the Bureau of Reclamation, and also into Hermiston park systems to develop a trail. Most work was done by volunteers, putting in a little over 1,000 hours. Additional phases will be forthcoming with Leadership Hermiston and the Bureau of Reclamation. This landscape is healing and in progress. He went on to show other projects including Tutuilla and Patawa Creeks; the Garton Irrigation site (pumping project) landowner benefits to taking out the dam (for fish passage); and the River Cleanup Event. Future projects include expansion of the Oxbow site; native riparian restoration (with City of Pendleton – Grecian Heights Park); Broun Dam removal; Rural Living Handbook (targets small parcel owners) how to be stewards; and Upgrades to UBWC stream table.

Commissioner Elfering asked about the Dillon Dam removal – piping water from where? Mr. Stahldine responded, the Westland Irrigation Dam, water is coming out of that canal. There are no negative impacts. They are looking at groundwater interactions and working with DEQ scientists to move forward. Mr. Demisnew noted the Department of Agriculture looks at that data; Gerking Creek will be moved out, and another creek near that. There has been good coordination with SWCD & Water Basin for information and setting up models to work forward. Mr. Stahldine added that agriculture information is used for nitrate monitoring.

Mr. Demianew talked about a project in Helix. A grant may be awarded to do an assessment to address watershed in that area to come up with plans. Some are farming practices, but some is just geographically where Helix sits. They will assess culverts and property

locations. Hopefully, a grant will be awarded this summer. Mrs. Mabbott noted a flood plain management program will work with this. Chair Murdock liked the Oxbow Project – he is familiar with it. Mr. Stahldine remarked about a great turn out involving youth.

Mr. Wolcott provided a handout to the Board with additional information regarding the Walla Walla Watershed Council's 2015 Projects Tour in March.

5. HB 2894. Tamra Mabbott, Planning Director gave the staff report. HB 2894 requires approval or veto of a land division within or adjacent to boundaries of special districts based on whether the land division interferes with operations of the district. On behalf of the Board, she drafted a letter in opposition to HB 2894 to be presented the Committee on Rural Communities, Land Use and Water. **Commissioner Elfering moved to approve the letter in opposition to HB2894. Seconded by Chair Murdock. Carried, 2-0.**

6. Second Amendment. Chair Murdock noted several counties in Oregon have passed resolutions or made a statement in light of potential legislation concerning firearms. While we have strong feelings about rights, there are concerns. Therefore, at the present, Umatilla County will work with the Oregon State Sheriff's Association, which has refrained from taking a position on this legislation until such time as tangible language has been advanced. At this time, there is not tangible language. Chair Murdock proposed, for record, that Umatilla County takes a stand in refraining from taking a position until review of proposed legislation is done, then take action after legislation language is ready. Commissioner Elfering agreed; there is nothing substantive at this time. He agrees the Board should wait to take position. **Commissioner Elfering moved that Umatilla County refrains from taking position on the Second Amendment at this time as outlined. Seconded by Chair Murdock. Commissioner Elfering noted by this action by no means does the Board oppose the Second Amendment. The Constitution is supported by the oath taken upon entering office. Carried, 2-0.**

7. Vehicle Purchase – Sheriff's Office. Capt. Dave Williams and Capt. Stewart Harp, UCSO gave the staff report. They request to purchase a 2012 Ford Taurus, fully equipped for patrol/transport from the City of Athena. The purpose is to upgrade existing command vehicles – funding will be available from corrections budget. Capt. Harp advised most vehicles are obtained through State contract, but this vehicle has low miles and all the needed equipment. It will be for jail use. Funding is from County Reinvestment Fund awarded on 2 year funding. This is the final year and the first time funds have been requested from it. He elaborated about shuffling of vehicles. Capt. Williams pointed out the vehicle's options. It is a good buy at \$17,000 – approximately half of a fully equipped new vehicle – and is available now. **Commissioner Elfering moved to approve the vehicle purchase as outlined. Seconded by Chair Murdock. Carried, 2-0.**

8. Vehicle Purchases – Public Health, Youth Services. Mr. Olsen presented. Requests for proposals were issued. The recommendation is to go with lowest bid with the required specifications from O'Brien Motors for two vehicles, 2015 Nissan Versas at \$15,300 and \$15,600. Funds are available through Environmental Health (outside of the General Fund). Mr. Olsen advised this Request for Proposals was a re-submit due to changes in the specifications. **Commissioner Elfering moved to authorize the purchase of two 2015**

- Nissan Versas from O'Brien Motors for Environmental Health, totaling \$30,000. Seconded by Chair Murdock. Carried, 2-0.**
9. Vehicle Purchase – Public Health. Mr. Olsen noted this is a mid-sized SUV. Proposals were received meeting the requested specifications; the recommendation is to go with lowest proposal for a 2015 Chevrolet Equinox from O'Brien Motors, cost of \$25,246. **Commissioner Elfering moved to authorize purchase of a 2015 Chevrolet Equinox from O'Brien Motors in the amount of \$25,246 for Public Health; funding from environmental Health. Seconded by Chair Murdock. Carried, 2-0.** Chair Murdock asked about delivery. Mr. Olsen advised that all vehicles from O'Brien Motors are available for immediate delivery.
 10. Vehicle Purchases - Youth Services. Mr. Olsen advised an RFP was issued for two mid-size cars, to be paid through the Youth Development Fund. Based on mileage specifications for the Fusions, the recommendation is to go with Tom Denchel Ford for two 2015 Fusions @ \$19,000 each. One vehicle will go to Youth Services and one will go to the CARE Program. **Commissioner Elfering moved to approve/authorize purchase of two 2015 Ford Fusions, as outlined from Tom Denchel Ford in the amount of \$19,000 each. Seconded by Chair Murdock. Carried, 2-0.** Chair Murdock advised for the record, in the course of assuming responsibilities for the DD Program, there is an immediate need for vehicles. The intent is on an interim basis until such time as contract negotiations are complete with State that vehicles be made available to the DD program.
 11. Road Signs. Mr. Olsen reported. Approval is sought to place Restrictive Parking signs along South Fork Walla Walla River Road to allow the use of the new turnaround area by Harris Park. **Commissioner Elfering moved to approve/authorize placing signs as per Order No. RD2015-01. Seconded by Chair Murdock. Carried, 2-0.**
 12. Appointments to Compensation Review Committee. Mr. Olsen reported. This is for annual appointments. Approval is sought to appoint Tracy Hamby, Scott Sager, and Steve Williams to the Committee for the 2015-16 fiscal year. **Commissioner Elfering moved to adopt Order No. BCC2015-022 appointing the three individuals. Seconded by Chair Murdock. Carried, 2-0.**
 13. Payables for Hermiston Police Department and City of Umatilla. Mr. Olsen noted this has two parts. Both payables exceed the allowed dollar amount, thus they are coming to the Board for approval. Authorizations are sought for payables to the Hermiston Police Department and to the City of Umatilla, in the amount of \$20,000/each. **Commissioner Elfering moved to approve/authorize the payable to the Hermiston Police Department for \$20,000 for the community juvenile accountability program. Seconded by Chair Murdock. Carried, 2-0. Commissioner Elfering moved to approve/authorize the payable to the City of Umatilla for \$20,000 from JCP grant for the community juvenile accountability program. Seconded by Chair Murdock. Carried, 2-0.**
 14. Resolution – Mental Health. Chair Murdock read the Resolution for Umatilla County to resume the Community Mental Health Program. Umatilla County Board adopted Order No. BCC2004-36 ceasing county operation of the mental health program. In connection with

resumption of services from the State, the Board orders as of 7/1/15, the Community Mental Health Program will be reassumed. Order No. BCC 2004-036 would be a conflict; therefore, **Chair Murdock moved to adopt Order No. BCC2015-023. Seconded by Commissioner Elfering. Carried, 2-0.**

Other Business:

1. Resolution – Tillamook County. Chair Murdock instructed County Counsel Doug Olsen to prepare a resolution in concert with Tillamook County in order to support a mutual relationship regarding the Cascadia Event planning. Mr. Olsen advised this item is coming up on the agenda for March. Action will be taken at that time.

Commissioner Reports

Commissioner Elfering advised he has been out of the office a lot recently; he has connected with the office by email and phone. The last two Board meetings he had called in. He will be leaving shortly to NACO legislative conference for over a week. He advised Commissioner Givens left yesterday to attend the conference. Chair Murdock likely will not attend.

He noted one item of business he will tend to while in Washington, D.C. is meeting with the BRAC regarding the military property (depot). He will meet with representatives there to get the transfer of property back to the County. Another issue he is dealing with is winding up the Umatilla Basin Water Commission. Water issues have mostly been moved to NOWA. He noted J. R. Cook is in Salem meeting with the new Governor.

Back to the NACO legislative conference, he also plans to meet with representatives from China. They buy a lot of Oregon products; he will see what more they have to say about exporting.

Chair Murdock advised most of the items he's been working on appeared on today's Board agenda. He has been working on court security, budget, vehicle purchases, and building issues. Also, as a matter of record, he wants to enter in the minutes, in memory of Chet Prior who recently passed away. Mr. Prior served on the County Budget Committee and was Chair of EOTEC among many other contributions to Umatilla County. He developed Eagle Ranches, a major agriculture producer in the County -- a huge contribution. One of Chair Murdock's first contacts with Mr. Prior was his involvement with hunger in Oregon. There were so many other things in this County that involved Mr. Prior. Commissioner Elfering agreed wholeheartedly.

There was no further business.

The meeting was adjourned at 10:35 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary
Umatilla County Board of Commissioners