

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of August 5, 2015
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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

County Counsel: Doug Olsen

Members and Guests Present: Mary Olsen, DD Program Manager; Gary Rhinhart, Umatilla County Planning Commission; Kim Lindell, Elections Manager; Dan Lonai, Administrative Services Manager; Cpt Dave Williamson, UCSO; Tamra Mabbott, Planning Director; Arron Swenson, Cornerstone Community Church Pastor; Robert Wright, Pendleton; Robert Pahl, CFO; Jennifer Blake, Human Resources Director

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CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair George Murdock welcomed all and reminded those present that the meeting was a public forum. It is being recorded and minutes will be taken. If persons wish to speak before the BCC, please identify yourself and state where you live for the record.

Pledge of Allegiance. Those in the room stood, saluted the flag and recited the Pledge of Allegiance led by Commissioner Givens.

Awards/Recognitions/Correspondence. Chair Murdock advised he had cataract surgery the day before thus he is wearing sunglasses. Commissioners Givens and Elfering will read some of the thank you notes and letters. Commissioner Elfering read (1) a letter from CMEO (Children’s Museum of Eastern Oregon) for economic development funding and support for their projects in the community. Commissioner Givens read: (2) a thank you from Grant Hills for supporting his lamb project; money will go his college savings plan. He looks forward to seeing all at the County Fair. (3) Thank you from Cheyenne Afdahl for purchasing her goat at the recent Milton-Freewater Junior Show. It is her last year showing there; she will go on to nursing school in the fall.

Commissioner Elfering noted that Lottery funds through Economic Development are contributed to the Junior Show (and other livestock shows) as a “bump” presented to sellers of livestock 4H to assist with amount raised. Chair Murdock noted the positive impact in participation of 4H and FFA are also wonderful benefits during school and beyond. Commissioner Givens read a thank you letter from the Umatilla County Fair Sale Committee for supporting the Buyer Bump Program in 2014. The donation combined with others added nearly \$18,000 to the 2014 Youth Livestock Sale. (He noted the County does not buy the animals, just contribute to raising the price for a better sale). He went on to read thank yous from two Hermiston 4Hrs, Jayda and Keeva Hoston, for purchase of their lambs – money will help in future projects and their education. In addition, a thank you was received from the Pendleton City Manager’s office to Paul Chalmers, for his presentation on county government during Chamber’s leadership class.

Additions to Agenda. None.

Public Input and Recognition of Visitors. Chair Murdock asked if anyone would like to address the Board for something other than what is on the agenda. None were heard.

Presentations to the Board. None.

Acknowledgment of Minutes of Previous Meetings. Commissioner Elfering moved to acknowledge the minutes of the meeting of 7/15/15. Seconded by Commissioner Givens. Carried, 3-0.

Agenda

1. **Marijuana Committee Report.** The public hearing was opened by Chair Murdock at 9:12 a.m. Tamra Mabbott, Planning Director and Chairman of the Marijuana Committee, presented. The Committee deliberated over about 6 meetings in 8 months waiting for the legislature to conclude for direction moving forward. With the passing of Bill 3400A, it significantly changed local government's ability and authority to implement Measure 91 including regulations related to recreational marijuana. She presented a memorandum to the Board detailing the consensus of the Committee. She expressed appreciation to the Committee and, in particular, Clinton Reeder, who spent hours and hours of research time. Two things to consider: Follow the "opt out" provisions to continue a moratorium for dispensaries (prior to the passage of HB3400A not an express option for local government). That recommendation is based on literature assembled, discussions, research, and also based on the vote of Umatilla County voters who opposed recreational marijuana (62.8% voters in opposition). The Committee has committed to continue if the Board wants it to remain active. She noted Meghan DeBolt (unable to attend today's meeting) has agreed to chair the study committee and she is monitoring upcoming marijuana issues as they relate to her role as Public Health Director. The whole Committee will reconvene in January or February.

The second recommendation is to adopt land use code changes that went first before the Planning Commission at a hearing on 7/23/15. The Board's land use hearing for the code changes is set for 9/22/15.

Ms. Mabbott noted a very diverse committee came to a consensus. They agreed it a good idea to continue monitoring. Chair Murdock read a statement regarding marijuana into the record. There were no other comments. Chair Murdock closed the public hearing at 9:20 a.m.

Mr. Olsen read portions of the Ordinance, # 2015-06. **In the Matter of Prohibition of Marijuana Businesses in Umatilla County, Commissioner Elfering moved to adopt Ordinance No. 2015-06. Seconded by Commissioner Givens.** Discussion: Commissioner Elfering noted in Umatilla County the vote showed about 70% against Measure 91. There has been considerable discussion and a lot of study and a lot of heart searching. He feels a decision about recreational use of marijuana is easy – very little in its virtues and a lot of cons. Regarding medical marijuana, he feels it is worth continuing study and feels there are values to using medical marijuana. However, the law that administers the use was poorly written. He felt there is abuse in the system. He felt there are applications for medical marijuana, but there must be a better system of regulation. There are only four people who cover the entire state to monitor marijuana businesses; they have recently added 2 more, but that still is not enough. Regulations are simply insufficient. Commissioner Givens commented one other item is with proposed

benefits economically (i.e. in WA and CO), but there are also downsides economically. He was not sure some increase is worth it economically. **Motion carried, 3-0.**

2. ATV Use on County Roads. Chair Murdock opened the public hearing at 9:25 a.m. Commissioner Elfering spoke to the draft ordinance and noted it is to be used in a designated place in the County. The first reading was 7/15/15 and today is the second reading for action. Mr. Jesse Shaw, Milton-Freewater, asked to speak last after he has heard what others have to say. Commissioner Givens commented as a commissioner. He spoke with landowners and ATV operators; he is not in support of the policy at this time. At least until there is more information and solid proof that passing the ordinance is advantageous. Only 1 other county (Lake) has a policy like this. He also has questions about permitting and enforcement and financial burden, as well as damage to property and roads. There are issues on pasture land, fields and off-road damages. He felt it is in direct conflict with state law on state roads. The state has chosen not to have ATVs on state roads for a reason. He feels law enforcement is something to carefully consider. Therefore, he does not support the policy at this time.

Commissioner Elfering asked about enforcement of the law – he wondered if landowners complain about ATVs, what is enforcement? The few who are unlawful give a bad name to the many more who do abide by the law. He sees economic development would be a draw for those who would ride in the designated area. State law does permit the county with the authority to do this. Without a place to ride, where do they go? He feels by having a law it is a guideline for riders. He pointed out it is a 1-year trial law and it sunsets 9/1/16 providing an opportunity to see what happens if allowed. The law sets out allowable and limitations for riding. He feels it gives direction for use.

Gary Rhinhart, 1914 SW Sunset Dr, Pendleton, came to the podium. This is first he saw the ATV topic of the Board in the paper. He farms south of Pendleton where roads are rarely graded. He has issues with ATV use in that area the roads are torn up. He also has a place near Albee, it is the same thing right after a road is graded it is torn up. ATV use can also cause fires in the right conditions and in the wrong place – he is opposed to it (passing an ordinance for ATV use) as a landowner, at this time. He asked about specific location. Outside of riding in the forest on roads there, he feels it is a liability and they are dangerous where he lives. He agrees more study is needed. He does not want to see them okayed to run in his area. A map of the location was projected for review and discussion.

Sheriff Rowan came to the podium. With change comes concern. In looking at the ordinance, it is a change. Staff put together list of concerns and also positive items. [Mr. Olsen noted the list was provided to the Board at the first reading.] Sheriff noted items to highlight – ATV and off-road vehicles noted at parks designed for that purpose (as young as 10 can ride there) – that is a concern if riding on a road where cars travel. The permitting process is also a concern -- still in discussion stage, and the Sheriff's Office would also have the enforcement aspect. There is also question of insurance coverage of ATVs. He feels enforcement is difficult now without an ordinance; public safety is imperative. Oregon law allows for slow moving traffic on roads as long as a pennant and indicators are used. He agreed that more research would be helpful before passing an ordinance. He also agreed it necessary for a period of time to see how it is working. He knows there is a sunset included in the draft ordinance, but wondered if an opt-out provision would be helpful to include as well.

Jesse Shaw, Milton-Freewater, 510 Ward Street, came to the podium. He has ridden about 9 years in many states. He has insurance coverage, proper safety equipment and gear. He notes his ATV weighs about 900 lbs. (a side-by-side ATV is heavier), but they do not cause damage (roads and property being torn up) like trucks do. In Montana and Utah he can ride on all roads except freeways. There will always be a few bad operators in anything. He felt money would be brought in and people are now running ATVs illegally. He says all riders should be of age and have a valid Oregon driver's license to drive on any road – no underage. Enforcement and ticketing for illegal activity should cost the law breaker. Laws should be the same as for vehicles. He agreed with a 1-year ordinance to see how things go.

Commissioner Elfering clarified a couple of things. The ordinance does require riders to be at least 16 years old. Regarding insurance companies, they will issue liability ATV insurance that is legally permitted. 5% of drivers cause 95% of the problems! He has found this in his insurance career. Pure behavior will have more impact than anyone else. Mr. Shaw commented that ATVers police their own – he hopes that is so. Chair Murdock noted he is conflicted because of his ranch connection personally. He closed the public hearing at 9:54 a.m.

Commissioner Elfering moved to adopt Ordinance No. 2015-05. No second. Commissioner Givens moved to postpone adoption of Ordinance No. 2015-05 for more study and more advertising/notice to the public of the policy/ordinance due to the fact of testimony of opposition he felt a broader perspective is needed. Discussion: Commissioner Elfering asked is there anything specific? Commissioner Givens noted: 1) how will the permitting be done? There is need to determine that; and 2) enforcement. Also, what type of parameters in addition to 16 year-old age limit, what about farmers/ranchers? Will slow moving vehicle sign be needed in addition to pennants? Regarding revenue, how will that be measured against the amount of money it costs to monitor and control. Also, when we talk about ATV parks, need to specify roads and different ways of regulation on Forest Service, BLM, and others in control of those areas. He would like to compare the policy we propose to USFS. Another issue is the need to be sure there is good solid information to the public about the policy for better input. He also felt more time is need for public notice.

Commissioner Elfering responded that permitting can be handled administratively by county departments that already handle permitting of various kinds. The Sheriff is charged with enforcing the law on all county roads. He is also not sure about “slow moving vehicles”. He does agree with the ATV parks and their rules.

Chair Murdock noted that the motion to adopt the ordinance died for lack of a second. The motion to postpone did not have a second. He noted feeling some conflict, however, he seconded the motion to postpone for proper and further study. Commissioner Givens agreed. One question in his mind is criticism of passing an ordinance when there is insufficient funding to enforce it. He compared it to code enforcement – burning, water on roads, and criticism by the public as to why have an ordinance if you do not have enough people to enforce it? Discussion continued about fees may be able to help with enforcement.

Commissioner Elfering advised rather than allowing the motion to die, and although he felt it is not necessary to postpone, he voted yes. Chair Murdock voted yes. Commissioner Givens voted yes. Carried, 3-0.

Mr. Shaw asked about farmers and ranchers – will they still be allowed to drive on roads? Sheriff Rowan noted they (farmers/ranchers) have a waiver to allow driving on county roads. Mr. Shaw expressed opinion he felt it is prejudice against ATV riders. Commissioner Elfering advised he will serve on a study committee to address concerns. Mr. Shaw asked to be on a committee. Chair Murdock advised that other representatives would be from law enforcement and someone from Public Works. Sheriff Rowan agreed to serve as law enforcement representative.

3. Additional Ballot Boxes. Dan Lonai, Administrative Services Director, introduced Kim Lindell, Elections Manager. State is allowing the county to put ballots in the mail 3 days earlier due to delays in mail caused by the USPS distribution center closing in Pendleton. To assist with people getting their ballots in timely, drop boxes would help. The proposal is to put in official drop boxes in every city within the county with a population of at least 1,000. Boxes need to be closed at 8 p.m. on election day and back to the county for counting.

Based on population, boxes are already in Milton-Freewater, in Pendleton, in Hermiston and one at the Confederated Tribes Government Center. The new proposal would add Stanfield, Umatilla, Athena, and Pilot Rock – all would be near City Halls or Police Departments. There is need to create agreements and plans for collection. **Commissioner Givens moved to approve working with the Election Department and cities to create agreements for placement and operation of additional ballot boxes. Seconded by Commissioner Elfering.** Responding to a question, Ms. Lindell responded 1 drop box to be purchased for placement at the courthouse will cost \$1,000 and there would part-time pay for persons picking up and delivering from outlying drop boxes to the courthouse. The old boxes can be used at the added communities at no extra cost there. Part-time help would be to use county employees for the most part, but there would be need for part-time help only on election night when it is closed at 8 p.m. There are 8 different boxes to be closed at 8 p.m. Sheriff's Office Deputies bring ballots in from Milton-Freewater and Hermiston, and Tribal Police brings in their ballot box (with an agreement). Mr. Lonai noted he is looking at the type of agreement and process for added cities for locking at the required time. **The motion carried, 3-0.**

Other: Discussion included the dumpster behind the courthouse was moved to a farther corner of the parking lot due part security purposes. The new approved ballot drop box will be placed directly behind the building where the dumpster was located.

4. Vehicle Purchases – Administrative Services and Planning. Mr. Olsen noted this is part of the Fleet Management Plan. Two vehicles were approved for issuance of an RFP by the Board at the last meeting. Bids were opened yesterday. Administrative Services requested bids for an SUV or hybrid. Three bids were received, but the department opted for another option -- it would like to purchase a hybrid using the state contract from Gresham Ford. Mr. Lonai noted one SUV was \$400 less than the hybrid. The lowest bid was from Tom Denchel Ford in the amount of \$21,585; the state contract amount was \$21,809. **Commissioner Elfering moved to approve/authorize purchase of a 2015 Ford C-Max from Gresham Ford in the amount of \$22,216.86. Seconded by Commissioner Givens.** Robert Pahl, CFO, noted County should financially

consider need for vehicle purchases. Mr. Lonai pointed out the larger size of the vehicle for Administrative Services is the need for storage and hauling capacity – a passenger car with a trunk is not big enough for hauling equipment they need. Also, the MPG on the Ford C-Max is an improvement. **Motion carried, 3-0.**

Mr. Olsen then presented bid information regarding the Planning Department vehicle. Two low bids were both for Ford Fusions (a mid-size vehicle). The lowest bid was from Power Ford Lincoln. **Commissioner Givens moved to approve the low bid from Power Ford Lincoln for a Ford Fusion in the amount of \$18,280. Seconded by Commissioner Elfering. Carried, 3-0.**

5. Vehicle Purchase Authorization – DD. Mary Olsen, DDP Manager, presented. The state took its vehicles back when the County began operating the DD Program. The vehicles used now were shifted around when other departments got new (or newer) vehicles. The vehicles in use now all have 100,000 plus miles and there have been mechanical problems. They are in the field mostly. At this time, action is to request an RFP for new vehicles, contingent upon funding. Purchase of more vehicles will come later as funding permits. Chair Murdock noted that seven vehicles were needed within a week to get the DD Program going. The idea at the time was when funds were available, vehicles could be obtained. DDP cannot participate in the Fleet Management Program as it is not part of general fund. Funding must be generated within the DDP. He noted this is the same with Community Justice and Human Services.

Mr. Pahl noted the Fleet Management Program is from general fund. The end of June, July and early August are not typical months for funding for state and federal programs. Revenues are limited then – probably by September, he feels the DDP would be in a better funding position. Ms. Olsen noted until the new contract was approved (which did happen the end of July and is now waiting for state signatures), she felt the vehicle RFP should wait until funding was certain. **Commissioner Givens moved to approve a Request for Approvals for new vehicle(s). Seconded by Chair Murdock. Carried, 3-0.**

6. Committee/Council Appointments. Mr. Olsen noted this is for two different committees. It will be to appoint Dale Primmer and Mike Graber to the Behavioral Health Advisory Committee to replace Mark Royal, who has retired. **Commissioner Elfering moved to approve/adopt Order No. BCC 2015-066. Seconded by Commissioner Givens. Carried, 3-0.**

And, regarding appointment of Dale Primmer and Mike Graber to the Local Public Safety Coordinating council to replace their predecessors, Commissioner Elfering moved to approve/adopt Order No. BCC2015-067. Seconded by Commissioner Givens. Carried, 3-0.

Chair Murdock reiterated thanks to Commissioner Elfering and his liaison area of Community Justice to put Human Services back to running under the Community Justice prevue.

7. Mr. Olsen noted approval is sought to appoint Carol Johnson (Lifeways) and Dale Primmer and Mike Graber to the Local Community Advisory Council to the EOCCO. Mr. Primmer and Mr. Graber are replacements for former county employees, and Ms. Johnson has been participating as a representative of Lifeways. **Commissioner Elfering moved to approve/adopt Order No. BCC2015-065. Seconded by Commissioner Givens. Carried, 3-0.**

8. Excellence Awards Program. Jennifer Blake, HR Director, presented. The employee awards program is being revamped based on committee meetings. There are 6 to 8 volunteer members who will bring recommendations to the Board on a quarterly basis. Chair Murdock noted discussion of the program occurred at the Board's staff meeting on Monday. He feels the committee will play a role in recommendation and people will be nominated by their peers. Ms. Blake noted the chairperson of the committee would have been here, but was off work today. **Chair Murdock moved to adopt the recommendation and approve the new Umatilla County Excellence Award Program. Seconded by Commissioner Elfering.** Mr. Pahl asked about recognition. Ms. Blake responded a picture will be taken and emailed county-wide and also posted on website and a public announcement will be made at a Board of Commissioners' meeting. **The motion carried, 3-0.** Ms. Blake noted a county-wide email was initially sent requesting interest for committee participation; at this point, the group size will be 6 to 8 members.

Other - Public Comment - Continued

Robert Wright, 103 NE Ellis Ave., Pendleton, came to the podium. He came today about the marijuana discussion (earlier on the agenda). He applauds the Commissioners for their position on the marijuana issue and their support of the Committee. He learned of the decision after seeing the Sheriff at his office. He wanted to say thank you for the Commissioners' involvement.

Commissioner Reports

Commissioner Elfering: The Business Oregon Commission met in Pendleton last week; there was good attendance of economic development representatives. The Director at Business Oregon has resigned and is moving back East.

Also last week, he attended a meeting of the Columbia Development Authority (Depot). Transfer is now contemplated towards the latter part of next year. This is caused by the need for a cultural study and also water certificates need to be dealt with (the majority of which would go to the CDA). NOWA has a recharge project on the Depot property. Water needs to be available for uses on the property in order to broaden economic development opportunities.

Commissioner Givens: The MPO monthly meeting is in Walla Walla at 1 p.m. They will report and talk about community involvement for the future of MPO plans (transportation projects and money associated, 95 projects totaled around \$700,000 -- however, MPO will have about \$250,000).

On Friday, he will attend the Eastern Oregon Counties Association in John Day. A big issue is the sage grouse listing, which will entail a small portion of Umatilla County (the south end). Malheur, Baker, Grant, Lake, part of Union, Harney and maybe more are affected. The group will also discuss forest fires and working with the BLM, and USFS to get better policy managing federal lands. He noted huge costs of forest fires and associated liability -- many counties have backed off "taking the land back" after the recent fires and tremendous expense. He noted fires at Phillips Creek -- 1,600 acres last night and moving towards Elgin.

Regarding DOGAMI, they are recruiting for a new director.

He is working more closely with Governor Brown and policy advisers regarding the "sister counties" program. AOC is involved in these issues. He is meeting 8/21 in Portland.

NEACT: The next meeting will be in La Grande, however, he cannot attend due to conflict with DOGAMI. He will get a report from another committee member in his absence.

Umatilla County Fair Manager. He received a phone call early this morning about the Fair Manager leaving after the Fair is over – probably in September. Peggy Anderson will be leaving. A press release went out yesterday. Transition after the Fair is being discussed.

Commissioner Elfering went back to the sage grouse item and asked about the specific area. It is in the south end. Commissioner Givens noted ODFW has proposed a policy with a large number of miles out, or a “buffer zone”. It would mean a limitation on agriculture, grazing or development. Ranchers will be affected to some extent, but it is a very small area in our County. He feels it is not based on sound science.

EOTEC: Footings are in and sewer and water will go in soon. Actual buildings construction is not known at this time. The move would be late winter or early spring due to events being scheduled. One issue is trying to have a tour of facility by AOC next summer (annual meeting is in June). The plan for the Farm City Pro Rodeo will be to remove their property (panels and etc.) and store it. Commissioner Elfering expressed concern with scheduled events and the need for Farm City to leave their property if possible. Discussion included the tight timeline and need to coordinate the EOTEC facility to be ready to start installing and setting up portable pieces (most is Farm City Pro Rodeo); also the importance to discuss with Mr. Olsen (County Counsel) and Mr. Pahl (CFO) for a good inventory of County Fair so that property is not just being turned over to EOTEC. County property all needs to be clearly labeled as such. A question was posed to Mr. Pahl about the financial/budget impact, in particular the new copier authorized to be purchased at the last July Board meeting. There may be a possibility of EOTEC renting or leasing the copier with payment to County.

Harris Park. Transition was occurring over last weekend since the former manager left. Jason Hogge has been hired as the new Park Manager. They are looking at inventory of items at the Park. The seasonal employee is doing a great job since coming a month or so ago. Harris Park was busy over the weekend and is bringing in a good amount of money (more than it ever has).

Chair Murdock: Discussion was held about next steps with the Fair in terms of equipment and staff. A meeting will be convened within the next month with Liaison Commissioner Larry Givens as chair. Initial participants will be Commissioner Murdock, Robert Pahl, and Doug Olson. Some of the questions will include what happens to current staff as well as needs for the future when the Fair relocates. Once the group reaches a decision, Commissioner Givens will share his report with the Fair Board and appropriate steps will be taken.

AOC is next week in Bend (Sunday through Tuesday) -- all Commissioners will be attending. Tom Fellows is also attending (for the “Sister Counties” discussion).

Note, on 9/25/15, 10 a.m. to 2 p.m. Region 1 Commissioners will be meeting at the Courthouse in Room 130. Lunch to be provided by Umatilla County. Chair Murdock encouraged Commissioners Givens and Elfering to plan to attend.

Mr. Pahl, Mr. Olsen and Chair Murdock recently met with Lifeways. A Mental Health agreement is now ready to be signed by Umatilla County and Lifeways. Contract money would be used to offset legal and financial needs (not for the purpose of staff expenses). Mr. Pahl and Mr. Olsen will administer the contract.

CARE – Chair Murdock met yesterday with GOBHI and ESD. Regions are being set up – one in Milton-Freewater, one in Pendleton and one in Umatilla where school districts will be involved for mental health services and CARE in school based clinics overseen by Public Health.

Executive Session was called at 11:10 a.m. by Chair Murdock pursuant to ORS 192.660(a,b,h).

Separate minutes of the Execution Session were taken.

The Board meeting came back to session and was adjourned at 11:20 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary
Umatilla County Board of Commissioners