

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of June 6, 2016
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

** ** ** **

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

County Counsel: Doug Olsen

Members and Guests Present: Jesse Shaw (Milton-Freewater); Cliff Bracher (Pendleton); Tamra Mabbott, Planning Director; Robert Waldher, Senior Planner; Mary Campbell, Community Council Executive Director; Kevin Mills, Community Council member; John Campbell, Community Council member; Dale Primmer, Community Corrections Director; Tom Fellows, Public Works Director; Capt. Stewart Harp, Jail Commander

** ** ** **

CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair George Murdock welcomed all.

Pledge of Allegiance. Led by Commissioner Givens.

Chair Murdock reminded those present that the meeting is a public forum. It is being video and audio recorded and minutes will be taken. Comments will become part of the meeting record. If persons wish to speak before the Board, please come to the podium, identify yourself and state where you live for the record.

Awards/Recognitions/Correspondence. None.

Acknowledgment of Minutes of Previous Meeting. Commissioner Givens moved to approve meeting minutes of 4/13/16 Executive Session, 5/4/16, 5/13/16 Work Session, 5/18/16, 5/23/16, and Budget Committee minutes of 4/20/16 and 4/21/16. Seconded by Commissioner Elfering. Carried, 3-0.

Additions to Agenda. None

Public Comments. None.

Agenda – Business Items

1. **Second Reading of Ordinance-ATVs on County Roads.** The public hearing was called to order by Chair Murdock at 9:02 a.m. Jesse Shaw, Ward Street, Milton-Freewater, spoke in favor. He advised the Walla Walla, Dayton and Waitsburg, WA areas are licensing ATVs for riding on any county road, public streets – everywhere except a freeway. He believes Umatilla County should allow riding on county roads covered by the ordinance. He has not seen damage in his area to public property. He feels ATVs should not be used when there is snow – that time is for snowmobiles.

Chair Murdock asked for others in favor. None were heard.

He asked for any against. Cliff Bracher, 81891 Hwy 37, Pendleton. He owns property on Upper Pine Creek and Wildhorse Road. He reviewed the map of county roads in the subject area and has safety concerns. Some are not County Roads. Regarding the Reed & Hawley Mountain area, that is logging road, privately owned land – none have access to public lands at all. The logging people have told him they are opposed since it ends in private land. He hauls cattle and livestock by truck – many others do this in the fall and spring. It is open range. He also has concerns with fire hazards and burdens on private landowners. He has trespassing concerns – all roads on Reed & Hawley Mountain are on to private lands – no public at all. He has concerns about increasing vandalism and theft and environmental concerns – ATV riders cause damage, erosion, water issues. Dead end road posted at Pine Creek and Wildhorse Road, but it goes up a few miles – up to the camp. Abel Road is another road that is very short like Pine Creek Road. There are other areas that do not have roads, and he is concerned ATV riders would make their own tracks/road and tear things up. Some roads are marked primitive roads – county marked maps are nonexistent roads, or horseback or impassable roads. He feels maintenance could be burden to county and should be considered. He is also concerned about self-policing being talked about. He compared it to wolf issues being self-policed. It puts burden on landowners. He asked for exclusion for farm-exempt ATVs – did not see that in the ordinance. Another burden for stock owners in that area is they maintain fences along County Roads. He gave example of Morrow County creating a good area for ATV riders. He does not feel the Reed & Hawley Mountain area is the spot for that.

Commissioner Elfering pointed out the boundary is the south area, and north to the state line. The agricultural exemption is included in the ordinance. Mr. Bracher said ranchers currently are exempt, but it is not stated in this ordinance. He commented on types of roads and specific areas. He and landowners are concerned about any increasing of traffic – they can handle what riders there are now. The map depicted boundaries in red – all roads within that area are subject to this ordinance.

Chair Murdock advised he had spoken to Tom Fellows, Road Department, who relayed frustrations about grading a road and then it is torn up.

Commissioner Givens mentioned fence maintenance, ag exempt and slow-moving signs on certain vehicles. Mr. Bracher did not want farmers/ranchers to have restrictions when working (no permits, no helmets, certifications, etc.)

Chair Murdock asked for any rebuttals to comments. Jesse Shaw came forward. Back to the same thing he has said previously, if farmers are allowed to ride their ATVs, all should be able to do so. His tracks do not tear roads up – others may. They should be able to ride on public roads like farmers. They have the right to ride as much as anybody else.

Chair Murdock closed the public hearing at 9:28 a.m.

Discussion/deliberation: Commissioner Givens advised he cannot support the ordinance. He traveled about 3,000 miles over the last 2 weeks in other northwest states observing private, state and federal land. He believes to open county roads up to ATV use is bad policy. It asks for more

property damage. Self-policing is not enforceable and does not appear to work. He is concerned about trespassing on private land – they see tracks and just go ahead. In addition, from a law enforcement view on forest service and federal lands, this is more and more of a burden. He feels this ordinance is not workable. Law enforcement is strapped with control and if added to it, it is an additional burden.

Commissioner Elfering commented that county roads are owned by the citizens. Some flaunt the law and trespass – that will not stop. A complaint driven system is to handle enforcement. This ordinance is for 4-wheelers – motorcycles already are allowed to run all roads. The ordinance lists restrictions for operation. It is proposed for a trial period of 1 year set to expire June 2017. The onus is on those who ride to do so properly or the ordinance will not be renewed.

Chair Murdock added his concern, noting it is a small trial area in north-county. However, if it goes into south-county, he would have problems. He has witnessed all problems in south-county as he ranches there. Doug Olsen advised the Board can adopt, they can postpone, or reject. **Commissioner Elfering moved to adopt. Motion died for lack of a second. Commissioner Givens moved to reject the proposal. Motion died for lack of a second. Chair Murdock felt uncomfortable deciding before seeing more precise maps; he felt it best to postpone a decision until the Board can look at better maps then go forward, he so moved. Commissioner Elfering seconded. Commissioner Givens voted nay. Carried, 2-0.**

2. Wheatridge Project Comments. Tamra Mabbott, Planning Director, presented. Over the last several months, there have been three versions of comments. The one proposed today is recommended. There still are no transmission lines included at this time. It will come at a later date. Chair Murdock commented for almost a year, the County has been engaged in conversations about the transmission corridor. Commissioner Givens added about the B2H (Boardman to Hemingway) line putting more emphasis about where transmission lines are located. Ms. Mabbott reiterated for the Wheatridge project, the application does not include transmission lines for permitting. The EFSEC disagreed with the County's legal interpretation and they have jurisdiction. **Commissioner Elfering moved to approve the letter with recommended comments for the Wheatridge Project. Seconded by Commissioner Givens. Carried, 3-0.**
3. Rivers Trails Planning Assistance Program. Bob Waldher, Senior Planner, presented. This is in the Walla Walla and Milton-Freewater area. Community Council is submitting an application to the National Park Service to develop non-motorized trails plan for the blue mountain region. He introduced Mary Campbell, Community Council, and also Kevin Mills and John Campbell, members of the council. An outdoor recreation study was completed last year. He handed copies of the study to the Board. Umatilla County would be co-applicants for the process as well as numerous stakeholders. This would be a complement to the Plan4Health effort – part of planning effort for the trail project.

Mary Campbell, Executive Director of Community Council (includes Milton-Freewater, Walla Walla and farther north). Formed in 2008 (28 members). This is enhancing outdoor recreation opportunities. She referred to the report including partners and their input. Health aspects are more and more important. On pages 25-26 are recommendations of findings, conclusions. Community Council would be the facilitator to work with all entities to match trails over

jurisdiction lines. She outlined key partners. Grants provide process for working together. Commissioner Givens asked about contacting the Port of Umatilla. Mr. Waldher noted conversations were had with the Port and Kim Puzey has agreed to provide a letter of support. Chair Murdock talked about Columbia County where a similar project of trails was initially not well supported, but now it has huge support; he suggested they would be a good contact for comparing notes.

Commissioner Givens said he met with Transportation Commission last week. There is a huge increase in bicycle use-discussion about bike paths coming out of road funding. Costs are being carried by gas tax and license fees, which bicyclists do not use either. They talked about fees to contribute to their paths. He does encourage the program, but still need to look at ideas for financial support. Ms. Campbell advised if a plan is in place different pots of funds become available for projects. 1% of total receipts of gas taxes go into bicycle paths (per Tom Fellows, Public Works Director). She also commented about Whatcom County near Bellingham had a similar project that is a great example of boosting economy and value of properties. Commissioner Elfering supported the idea of this project; there is need more trails and access to public areas. He also talked about a trail in the Echo area.

Ms. Mabbott added that working with the Community Council has been a great collaboration and planning; the active citizen group has been wonderful. Working with the National Park Service is getting other pieces of funding to the goal of this project. Rail to Trail projects have been successful.

Chair Murdock was impressed with the stakeholders listed in the report. **Commissioner Elfering moved to approve the letter of commitment as a key partner for the RTCA (Rivers Trails and Conservation Assistance) application. Seconded by Commissioner Givens. Carried, 3-0.**

4. Milton-Freewater Bicycle and Pedestrian Plan. Mr. Waldher presented. Transportation and Growth Management is between ODOT and DLCD. They are working on an application to develop this plan. There is a partnership with the city as part of ways to increase tourism. Action needed to provide support letter. The City of Milton-Freewater has already provided a support letter. This plan would also work well with the Plan4Health Grant. Commissioner Givens talked about the support of schools in Milton-Freewater would tie in well with this project. **Commissioner Givens moved to approve letter of commitment to provide staff/resources to be used as project match. Seconded by Commissioner Elfering. Carried, 3-0.**
5. Contract for Community Needs & Readiness Assessment. Ms. Mabbott presented; she referred to documents for Board review. The selection committee (listed) evaluated proposals, conducted interviews, and unanimously recommended the selection of the University of Oregon. **Commissioner Givens moved to approve/award the contract to University of Oregon to conduct assessment and to authorize staff to proceed with notice of intent and negotiate scope of work and contract. Seconded by Commissioner Elfering. Carried, 3-0.** Ms. Mabbott noted the grant will cover the entire expense of the assessment.

6. CTUIR/CDBG Support Letter. This is for a letter of support with CTUIR's application for an Indian Community Development Block Grant for construction of the new health center. **Commissioner Givens moved to approve. Seconded by Commissioner Elfering. Carried, 3-0.**
7. Community Corrections/Retirement – New Hire. Dale Primmer, Community Justice Director, presented. Contract funds from the State of Oregon are available for replacement of an employee; requested to start June 1 to allow the new employee to job shadow, train and understand issues associated with the caseload of the retiring employee. **Commissioner Elfering moved to approve hire of a new Parole and Probation officer effective 6/15/16. Seconded by Commissioner Givens. Carried, 3-0.**
8. Closing Canal and Baxter Roads to Through Trucks. Tom Fellows presented. This is to prevent damage to the road and danger of mixed use traffic. After traffic counter was put on the road, it showed heavy truck use on roads (at least some portions). Primarily, there is no practical purpose for through truck traffic to be on Canal Road. After some research, it showed Baxter Road was limited, but it is added today to make closing official to through trucks. Commissioner Givens commented about Steen Road in the Milton-Freewater area that is having large truck issues (high centering and jackknives). Mr. Fellows felt there is a difference between the Hermiston area and Milton-Freewater roads. He believes the case is made for the roads highlighted today. He referred to an email from Sheriff Rowan, he commented about safety problems with traffic on the subject roads. **In the matter of closing Canal Road (Nos. 1179 and 1203) to Through Truck Traffic, Commissioner Givens moved to approve/adopt Order RD2016-03. Seconded by Commissioner Elfering. Carried, 3-0. In the matter of closing Baxter Road (No. 1246) to Through Truck Traffic, Commissioner Givens moved to approve/adopt Order RD2026-04. Seconded by Commissioner Elfering. Carried, 3-0.**
9. Jail Med Services Contract. Capt. Stewart Harp, Jail Commander, presented. A request for proposals was issued. Mr. Olsen elaborated. A committee looked at the proposals; there were concerns about the type of services being proposed - LPNs vs. RNs. It was preferred RNs be used. Thus, the committee recommended staying with the current provider with a new contract. Capt. Harp said contract is a good one with a reduced rate of \$30,000 and adding another medical provider. **Commissioner Givens moved to approve/authorize the contract for jail medical services to Correct Care Solutions. Seconded by Commissioner Elfering. Carried, 3-0.**
10. Authorize Sale of Property. Mr. Olsen presented. Property was acquired through delinquent property taxes – it was owned by two people who are now deceased. A relative is requesting to purchase; there were no other bids and this is first person to submit a bid (in the amount of \$12,090), which meets the statutory minimum. Mr. Lemmon is currently living on the property. **Commissioner Elfering moved to approve/adopt Order No. BCC2016-046. Seconded by Chair Murdock. Carried, 3-0.**
11. Emergency Management Assistant. Mr. Olsen presented. The Emergency Manager position has been vacant. During the month of May, the administrative assistant has taken on additional responsibilities to assist in grant preparation. The Sheriff recommends the Assistant receive a 5% salary bump for the month of May. The new Emergency Manager starts in June. **Commissioner**

Givens moved to approve/authorize an additional 5% pay for the EM Administrative Assistant for the month of May (retro paid in June). Seconded by Chair Murdock. Carried 3,-0.

12. Elections Temp Position. Dan Lonai, Admin Services, presented. He introduced Kim Lindell, Elections Manager. Registrations over the last three years have increased due to motor-voter registrations. There is a small amount of funds to cover workload for registrations. This is to request an additional temporary employee for help with that and also with the upcoming primary election. Duration would be June 15 – November 30 at Range 12, 16 hours/week, except 40 hours/week for two weeks in November. Chair Murdock voiced support of the proposal, but noted state funding assistance is inadequate. Mr. Lonai noted the Elections budget includes some extra funds to hire temp staff due to the Motor Voter Act. **Commissioner Elfering moved to approve creation of a temporary election worker position as outlined. Seconded by Commissioner Givens. Carried, 3-0.**
13. Fiber to Stafford Hansell Government Center. Mr. Lonai presented. Fiber connections with the other county facilities are available. However, the SHGC still needs to be connected via fiber. Issues need to be resolved. That facility needs to be connected. Additional costs are being reviewed and determined. Some CIS left-over funds are available. **Commissioner Givens moved to approve and authorize the Board Chair to sign the contract with EO Telecom to install fiber. Seconded by Chair Murdock. Carried, 3-0.**
14. Justice Center Outside Lighting Upgrade. Mr. Lonai presented. Chair Murdock noted he and Mr. Lonai have discussed this item and the next item and he supports the proposals. Mr. Lonai elaborated about issues of lights and noted replacements using LED vs. ballasts, which are very expensive. Budget is about \$25,000, and an Energy Trust incentive would be realized and there would be maintenance savings as well. He feels in three years costs would be recouped. Lighting is expensive. Paperwork needs to be in by end of June 17 to qualify for incentives. Chair Murdock pointed out the Finance office is very supportive about cost savings. Robert Pahl agreed about support for long-term projects and finance savings. **Commissioner Givens moved to approve upgrading outside lights at the Justice Center and contract with Pendleton Electric to perform the installation. Seconded by Chair Murdock. Carried, 3-0.**
15. Comprehensive Fee Ordinance Update. Chair Murdock called the public hearing to order at 10:29 a.m. Mr. Olsen presented. Several departments have requested fee updates. This is first reading, but there will be additional fees presented at the second reading. He elaborated on fee changes/additions/deletions as of today. Commissioner Givens asked about zoning permits. Tamra Mabbott talked about GIS fees – they may still be low, but this increase will help recover some costs. This also will allow in-kind capture. Commissioner Givens asked about the \$65 impound proposed by UCSO. Mr. Olsen responded that impounds are handled by rotation of businesses who have secure premises. In response to Commissioner Givens question, is that fee enough, Mr. Olsen noted this is just the County's portion.

Chair Murdock asked for public comments. None were heard. He closed the public hearing at 10:36 a.m. **Commissioner Givens moved In the Matter of Amending Comprehensive Fee Ordinance No. 2016-07 to approve and to set the second reading for June 15, 2016. Seconded by Chair Murdock. Carried, 3-0.**

16. Appointment - Wolf Depredation Advisory Committee. The County Commissioner representative on the advisory committee is sought to be changed from Commissioner Givens to Commissioner Murdock. **Commissioner Givens moved to approve/adopt Order No. BCC2016-045. Seconded by Commissioner Elfering. Carried, 3-0.**
17. Payable to Intermountain ESD. Mr. Olsen presented. This is for UCo Health to have health assessments printed. **Commissioner Givens moved to approve the payable to IMESD in the amount of \$10,802.88. Seconded by Chair Murdock. Carried, 3-0.**
18. Election Results. Mr. Olsen presented. Responding to a question from Commissioner Givens about the need for commissioner election in November, he talked about state law compared to County charter – it is clear in charter there must be a November election when it was partisan in 1994. The practice will stay the same unless and until the charter committee makes a change. Prior elections were certified and passed appeal, so they are legal. Mr. Olsen advised one person will be on the ballot in November (Commissioner Elfering). **Commissioner Givens moved to accept elections results and authorize the Chair to sign the Letter of Acceptance. Seconded by Chair Murdock. Carried, 3-0.**
19. Umatilla County Fire District #1. Mr. Olsen advised this goes along with the last agenda item. In addition to Commissioner Position 3, the Umatilla County Fire District #1 results are before the Board for acceptance. **Commissioner Elfering moved to approve/adopt Order BCC2016-047. Seconded by Commissioner Givens. Carried, 3-0.**

There was no executive session.

Commissioner Reports.

Commissioner Givens has met with AOC event refreshment providers for kick-off at Murdock's and at EOTEC; a few details are still to be worked out.

Last week and the week before, he attended NACo Western Interstate Region meeting. In particular, dealing with public lands and energy, land use emphasis was on federal land management. He commented about lack of compliance with posted signs – trespassing and tourism – people damaging property year-round. It is a huge effort on law enforcement in those areas. He understands more and more why federal lands are being closed because there is not enforcement. Not just ATVs, it is pedestrians, cars, etc. blocking roads and trespassing where things are well posted. He also referred to roads and signage discussions, addressing how to prevent vandalism and other damage. Also, financing of different items – problems are increasing because of use of limited gas tax and resulting burden at the county level due to use by bicyclists and electric cars not buying gas or contributing to the gas tax.

Commissioner Elfering. WIR report – he was interested in viewing presentation about growing vegetables but the tour was cancelled at the last moment for participation by any other than specific committee members. Commissioner Givens also commented he was disappointed that there were other conference pieces changed or cancelled.

Regarding discussions of “Is your county prepared” (active shooter conference), Commissioner Elfering commented that problems seem to be caused after the fact – perhaps focusing on that aspect would be helpful.

He has met with Water Resources Department and they are asking for a “bridge timeframe” for budget/finance consideration. He has also talked to AOC at the water policy committee level to begin discussions statewide for funding levels of Watermasters. Commissioner Givens commented about continuing issues of state employees supervising county employees. In looking at correspondence from area water irrigation districts, they are painting a bleak picture. Chair Murdock added that the Board met in good faith with WRD and the responses of irrigators and others is concerning.

Chair Murdock over the last two weeks, he has worked on planning for AOC spring summit events – details are being handled and coming together. Per Laura Cleland at AOC, there should be about 70 attending the Sunday BBQ kick-off event. Senator Hansell will present Marty Myers from Three Mil Farms, Boardman, at the conference.

Chair Murdock commented about calendars for Commissioners and the need to continually communicate schedules (Board meeting quorums, in office and out of office, etc.)

He noted that he will only attend one committee meeting at the July NACo conference in Long Beach, California so he will mostly be in the office during the time Commissioners Givens and Elfering are out. However, he will not be in the office much in August.

The meeting was adjourned at 11:07 a.m.

Respectfully submitted,

Melinda Slatt,

Executive Secretary, Umatilla County Board of Commissioners