

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of June 15, 2016  
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:** Ed Berlingame, Milton-Freewater; Larry Nye, Athena-Milton-Freewater Tea Party; Verl Pressnall, Milton-Freewater; Mike Jewett, SDTS; Teresa Kilmer, WWRID; Chet Sader, Bureau of Reclamation; Paul Chalmers, Assessment & Taxation Director; J. R. Cook, NOWA Director; Greg Silbernagel, OWRD Watermaster; Seth Moore, AFSCME; Byron Smith, City of Hermiston & EOTEC; Robert Pahl, Chief Finance Officer; Marie Simonis, Budget & Finance; Tamra Mabbott, Planning Director; Kim Lindell, Elections Manager; Gina Miller, Planning-Code Enforcement; Brian Wolcott, Walla Walla Watershed Council, Milton-Freewater

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**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.** Chair Murdock read a letter from CAPECO - thank you for contributing to Dancing with Your Pendleton Stars. Also, a thank you letter from Steve Baker, retiring after 25 years of employment with the County. Commissioner Givens noted many thank yous have been received from AOC participants attending the 2-day conference in Pendleton. Chair Murdock noted the National NACO President commented about the wonderful experience in Umatilla County.

**Acknowledgment of Minutes of Previous Meeting.** None today.

**Additions to Agenda.** Doug Olsen noted one addition for an Elections payable, item 17.

**Public Comments.** Chair Murdock asked for any public input for other than agenda items. None were heard.

**Presentations:** Chair Murdock requested Byron Smith, EOTEC Chair (and Hermiston City Manager) provide the EOTEC Update. Mr. Smith noted bids on barn project will be open tomorrow. He believes about a half dozen contractors will submit bids. Also tomorrow, rodeo grounds bids will be open tomorrow for about 30 days with award to hopefully be in July. This is to be sure the Fair and rodeo will work there in 2017. At the AOC tour earlier this week there was good positive feedback. Two other RFPs soon will be let for landscaping and perimeter fencing. Commissioner Elfering noted AOC

feedback from many other counties with questions about EOTEC about the process and partnerships in Umatilla County. He directed them to speak to Mr. Smith. Commissioner Givens noted many commissioners asked for plans and they were impressed with the good cost for the project of that size. Mr. Smith advised Lincoln County expressed interest to him for additional information.

### Agenda – Business Items

1. Oregon Water Resources Order. Commissioner Elfering remarked that during Budget Committee deliberations in April, concern was expressed about county funding Oregon Water Resources Department at the highest level in the state and, secondly, providing county employees to a state office with supervision by state employees. State employees are not answerable to this Board. He has met with all parties of OWRD, regional and local. The biennium budget of the state does not line up with the county budget process. He talked about E Board action not even possible until September; adverse impacts are brought about by funding problems and subsequent decrease in local services.

Commissioner Elfering read the resolution, Order No. BCC 2016-048, in its entirety. **He moved to approve and adopt the Order. Commissioner Givens seconded on the condition the floor is open to comments.** Doug Olsen agreed it is legal to do so. Commissioner Givens pointed out a group of people came today and asked Chair Murdock to allow public comments. Chair Murdock asked whoever wishes should come to the microphone to speak.

Ed Berlingame, Milton-Freewater. Talked about where he gets his water for ranching. There are concerns about the watermaster issue. He and others will not put up with withholding water -- that is stealing and a war will happen without a watermaster over there. They will protect their rights.

Chet Sader, Bureau of Reclamation, one thing not addressed is a current county contract with BOR expiring in 2019. He talked about problems with county staff – they have a contract for service by county employees. He felt the Board should have advised BOR about the contract. He has heard the county has agreed to honor the contract, but also starting next July they want BOR contract possibly turned over to the state. He is concerned about not being contacted. Commissioner Elfering noted discussion all along is to maintain the BOR contract. Also a discussion about the BOR contract to be administered by State ORWD. The intent is BOR receives the services provided in the contract. In talking with Tom Byler at ORWD, he felt it would not be a problem for (contract) transition to state oversight. Commissioner Elfering agreed it is important to have an orderly transition when the time comes. Mr. Sader asked about the 5-year budget cycle – he felt back a couple of years that the county wanted to keep the contract. Chair Murdock noted all conversations have been around honoring the BOR contract. Mr. Sader hopes to be in the loop about upcoming transitions.

J. R. Cook, NOWA, 3750 SW Marshall Pl, Pendleton. First, it is a pretty tough issue – all water programs the county supports throughout the year. He commends the county for handling this important issue. It is not new to the county or to the state. Counties continue to defund water programs. He feels there is more diversity and will expand focus and confidence to Commissioner Givens as President of AOC to find ways to finance and handle discussions in a statewide watermaster issue. Thank you for support in handling water. Commissioner Elfering noted AOC has been approached and water policy will be working on the OWRD and

watermaster programs – some counties pay nothing at all. Umatilla County pays the highest and there is concern about all financial/budget aspects will be scrutinized as with other departments.

Brian Wolcott, Walla Walla Basin Watershed Council, 810 SW Main, Milton-Freewater. He emphasized agriculture is an economic driver and Umatilla County probably has one of the largest amounts of irrigated property in the state with lots of farms and ranches in this area -- water is being regulated by oldest water rights and proper amounts on down the line. It is important to know what water rights are, keeping up with property changes and proper availability of water. He hoped the county works with all parties into the future and noted the importance of the Milton-Freewater watermaster. He understood limited budgets as well as seasonal/drought issues year round, in addition to groundwater recharge efforts.

Larry Nye, 245 S 3<sup>rd</sup>, Athena, represents the Tea Party. He was asked to research and investigate. He's not a water expert. This is a bigger issue than tax dollars – it is sovereignty right. He is against giving up local control. He found local citizenry is affected by decisions. Water issues are across the state – he is providing information for the thought process. Local control is important vs. state and bigger government takeover. This county has more need for water management than others in the state. He commented about a report he provided to the Commissioners and the distribution list includes the Sheriff noting water management can be a safety issue (he referred to the first speaker about protecting his right). He asked the Commissioners to carefully consider decision and be thoughtful about it. Local control seems to make federal government back off. He acknowledged the issue of weakness of the supervisory part of current system – it may mean working more with what is already there. He appreciated the way Commissioners are handling the complex issue and good start is the resolution.

Commissioner Givens commented: he is also an irrigator so he understands importance. It is the lifeblood of the county with irrigated agriculture. He is concerned with who is absent today. He is concerned that ORWD is absent today. He noted critical discussions with Tom Byler and Mike Ladd. The County had rights to control water up until 1962 after that the state felt it should take it over. There is a constant barrage of push to take away water rights across the nation. He sits on several national committees; he referred to WOTUS (Waters of the US) and back door approach to taking control of water management. Today's action provides a year to talk with county-wide and state parties to come up with financing/budget and supervision issues discussed earlier today. We have to be on parity with other counties statewide – not giving up, but need to work on a fix within a year.

Commissioner Elfering spoke to ORWD not being present today, after discussions about resolution he had spoken to Tom Byler (who is on a listening tour throughout the state-- in Ontario today). Commissioner Elfering felt based on discussions that Mr. Byler did not need to come today, or he would have. In addition, with publishing of notice, he felt local/regional representatives did not need to attend today. Commissioner Givens noted the state cannot pick up the local positions; however, the director can move around current state employees. In the next legislative session or E board, they can work on budget and go through the process of employment where they control the hiring process. Chair Murdock echoed frustration, however, when budget hearings were held (in April), the only department who did not attend was water resources. He also noted recent meeting of 80 water users and the county was not notified even though \$210,000 has been committed. He is concerned about that. The question was called.

**Motion carried, 3-0.**

2. Budget Hearing. Chair Murdock called the public hearing to order at 9:47 a.m. He called on Robert Pahl, CFO, to present. Mr. Pahl noted that this is to adopt the FY2016-17 budget. It was approved at the April meeting by the full Budget Committee. The County budget is balanced (as required by law), but there are lots of moving parts. It will accomplish county needs in a conservative way. Chair Murdock noted heavy involvement in budget process and he appreciates the County's condition. In comparison to other counties and reading the state auditor's report, Umatilla County was not cited for further examination review. The County has managed to generally perpetuate level of services. Commissioner Givens added that some counties are facing insolvency. Commissioner Elfering noted the County is lean and he is concerned about PERS fund requirements. Mr. Pahl advised revenues are steady, but he felt next year will be a challenge due to PERS. Commissioner Givens noted some less essential programs will have to be scrutinized moving forward.

Chair Murdock asked for any questions from the audience. None were heard. He closed the public hearing at 9:52 a.m. Commissioner Elfering commended Mr. Pahl and the Budget Committee for deliberations in a different process. **In the Matter of adopting the Budget, Making Appropriations and Imposing and Categorizing Taxes for the Fiscal Year ending 6/30/17, he moved to approve and adopt Order No. Budget 2017-01. Seconded by Commissioner Givens. Carried, 3-0. Also noted as part of the Order is the tax rate is \$2.84 per thousand, county's portion, and total budget is \$72,179,726.** (It was noted the tax rate has the same for many years; Chair Murdock noted that according to the state auditor's report – it is almost exactly the average throughout the state.)

3. Sanitary Disposal Transfer Station Rate Increase. Mike Jewett reported. The last rate increase was 1/1/13. The Solid Waste Advisory Committee approved the increases. With minimum wage going up and fuel increases going up 30+% in the next few years, increases are being requested. He projects that another increase may be requested in 2018. This is 82% pass through collection fees. **Commissioner Elfering moved to approve the increase as presented and to adopt Order No. BCC2016-041 approving an increase in disposal Rates for Desert Wind Inc. Sanitary Disposal Transfer Station. Seconded by Commissioner Givens. Carried, 3-0.**
4. Non-Agricultural Burn Ban. Gina Miller, Planning Department/Code Enforcement, presented. This is the annual burn ban. The Tribe's ban went into effect today as well as the City of Pendleton; City of Hermiston went into effect 06/1 and City of Stanfield will adopt criteria in July. Milton-Freewater's ban will go into effect Monday, 6/30. **Commissioner Givens moved to approve BCC Order 2016-050 and to impose the Non-Agricultural Burn Ban as set out in the order. Seconded by Commissioner Elfering. Carried, 3-0.**
5. Supplemental Budgets. Chair Murdock called the public hearing to order at 10:02 a.m. Mr. Pahl, CFO, presented. There is one supplemental budget, Order Budget 2016-77 (Dispatch Reserve, program 1519). Commissioner Elfering noted this is for equipment to be used by end of the fiscal year – funds come from the City of Pendleton and the City of Hermiston. There were no questions or comments. Chair Murdock closed the public hearing at 10:04 a.m. **Commissioner Elfering moved, in the matter of Approving a Supplemental Budget per ORS 294.471 for F.Y. ending 6/30/16 and to adopt Order No. Budget 2016-77. Seconded by Commissioner Givens. Carried, 3-0.**

6. Budget Transfers. Mr. Pahl presented. There are 10 transfers; he outlined: Order 2016-69 (Family Planning) needs to increase Personnel Services \$10,000, increase Materials & Services \$5,000 and decrease Contingency \$15,000 to adjust appropriation allocations. Budget Orders 2016-70, 71, 72 and 73 are general fund budget items for transfers to take care of year-end budgets. Budget Order 2016-70 (Immunizations Program) needs to increase Personnel Services \$10,000, increase Materials & Services \$45,000 and decrease Contingency \$55,000 to adjust appropriation allocations. Budget Order 2016-71 (Health Department) needs to decrease Personnel Services \$40,000, increase Materials & Services \$1,000 and increase Contingency \$39,000 to adjust appropriation allocations. Budget Order 2016-72 (Home Visit Program) needs to decrease Personnel Services \$12,000, increase Materials & Services \$3,000 and increase Contingency \$9,000 to adjust appropriation allocations. Budget Order 2016-73 (General County) needs to increase Transfers Out \$100,000 by decreasing Contingency by same amount to reflect transfer of appropriations for expenditures unknown at adoption of budget. Budget Order 2016-75 (Communications & Information) needs to increase Materials & Services \$2,000 and decrease Contingency by same amount to adjust appropriation allocations. Budget Order 2016-76 (Surveyor) needs to decrease Personnel Services \$2,000 and increase Materials & Services by same amount to adjust appropriation allocations. Budget Order 2016-78 (Communicable Disease) needs to increase Personnel Services \$10,000, increase Materials & Services by \$1,000 and decrease Contingency \$11,000 to adjust appropriation allocations. Budget Order 2016-79 (CARE Program) needs to decrease Local Revenues \$40,000, increase State Revenues 40,000 and decrease Personnel Services \$10,000 and increase Materials & Services by same amount to adjust appropriation allocations.

Mr. Pahl noted there will be a few more budget items to take care of at the next scheduled Board meeting on June 29.

**In the Matters of Approving Transfers of Appropriations Pursuant to ORS 294.463 for the Fiscal Year ending 6/30, 2016, as follows:**

**Commissioner Elfering moved to approve/adopt Order No. 2016-69 (Program 5533, Family Planning). Seconded by Commissioner Givens. Motion carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget 2016-70 (Program 5549, Maternal & Child Health Center)). Seconded by Commissioner Elfering. Motion carried, 3-0.**

**Commissioner Elfering moved to approve/adopt Order No. Budget 2016-71 (Program 5534, Health Department). Seconded by Commissioner Givens. Motion carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget 2016-72 (Program 5510, Nurse Family Partnership). Seconded by Commissioner Elfering. Motion carried, 3-0.**

**Commissioner Elfering moved to approve/adopt Order No. Budget 2016-73 (Program 9001, General County). Seconded by Commissioner Givens. Motion carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget 2016-74 (Program 1509, 911 Dispatch). Seconded by Commissioner Elfering. Motion carried, 3-0.**

**Commissioner Elfering moved to approve/adopt Order No. Budget 2016-75 (Program 3523, Communication & Information). Seconded by Commissioner Givens. Motion carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget 2016-76 (Program 4564 Surveyor). Seconded by Commissioner Elfering. Motion carried, 3-0.**

**Commissioner Elfering moved to approve/adopt Order No. Budget 2016-78 (Program 5513, Communicable Diseases). Seconded by Commissioner Givens. Motion carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget 2016-79 (Program 5254, CARE Program). Seconded by Commissioner Elfering. Motion carried, 3-0.**

Mr. Pahl noted in 2016-17 there will be no levying for jail bond as it will be taken care of in the 2016-17 year.

7. Department Reorganization. Chair Murdock called the public hearing to order at 10:11 a.m. Mr. Olsen advised this is for code of ordinances amendment to reflect changes in proposed county structure regarding bifurcating Health & Human Services into Public Health and Human Services to be effective 7/1/16. Another change is in the Administrative Services Department to update language and activities/duties within that department. There were no questions or comments. Chair Murdock closed the public hearing at 10:13 a.m. **Commissioner Givens moved to approve/ adopt Ordinance No. 2016-08 In the Matter of Amending Umatilla County Code of Ordinance Chapter 31 – Departments, effective 7/1/16. Seconded by Commissioner Elfering. Carried, 3-0.**
8. Department Organization. Chair Murdock advised this includes an organizational charge for the new Public Health and Human Services Departments. He asked the Board to consider the organizational chart with slight modification he previously presented to the Board and Doug Olsen. In addition, the flow chart shows Medical Officer, Dr. Hitzman, as overseeing UCo Health and Human Services. **Commissioner Elfering moved to approve the new Public Health and Human Services Departments Organizational Charts. Seconded by Commissioner Givens. Carried, 3-0.** Chair Murdock also noted with changes in the I/DD Program, there are savings to the General Fund in the amount of about \$253,000 (correct, according to the Finance office). The County anticipates an additional \$1.1 million in PERS costs moving forward, which are requiring careful budget consideration. And, Commissioner Givens added that health insurance costs will also likely be increasing.
9. Management Position Changes. Mr. Olsen presented. With departmental reorganization, management positions need changes to accommodate and implement the reorganization. Public Health – new Deputy HS position eliminated; Human Services – Director position reinstated; Youth Services – Director position assumes duties of DD Program Manager; Office Manager assumes duties of DD office manager and supervision of clerical/administrative staff. **Commissioner Givens moved to approve changes in position descriptions as presented. Seconded by Commissioner Elfering. Carried, 3-0.**
10. Comprehensive Fee Ordinance. Chair Murdock called the public hearing to order at 10:19 a.m. Mr. Olsen advised this is second reading of fee ordinance. This is the annual review. Changes from the first reading include proposed increase in environmental health, and wording change for facility uses. There were no questions/comments. He closed the public hearing at 10:22 a.m. **Commissioner Givens moved to approve/adopt Ordinance 2016-07. Seconded by Commissioner Elfering. Carried, 3-0.**
11. Mileage Payable. Mr. Olsen advised this payable is for reimbursement and before the Board due to the delay in the request. The employee did not realize reimbursement request should be submitted; it goes back to March 2015 to present. **Commissioner Givens moved to approve the**

**payable of \$581.40 for mileage. Seconded by Commissioner Elfering. Carried, 3-0.** Chair Murdock hoped the employee is aware of procedures from now on.

12. Creation of Health Educator Position. Chair Murdock advised this is a grant award from EOCCO Transformation and Incentive - \$50,000 and \$16,000 for the grant period of 2/1/16 to 1/31/17. The position is to support the Adolescent Wellness Program. **Chair Murdock moved to authorize the new Public Health Educator position for a limited duration to end June 30, 2017. Commissioner Elfering seconded. Carried, 3-0.** In response to Commissioner Elfering's question about what the position duties will be, Chair Murdock noted it is to children and families on a variety of health issues. Research shows early learning also relates to their readiness for school and directly correlates to many things including health, nutrition and other things. Early learning centers are crucial to children getting ready for school.
13. Livestock District Annexation. Mr. Olsen presented. Gary Renne petitioned the County to annex property to the East Umatilla County /Dry Creek Livestock Districts. **Commissioner Elfering moved to approve and set for hearing on 7/6/16, 9 a.m. Seconded by Commissioner Givens. Carried, 3-0.**
14. Petition for Formation of New Health Dist. Mr. Olsen presented. This is to set for hearing for the purpose of establishing a new district within the area served by the East Umatilla County Ambulance and then also set a permanent rate of \$1/1000. The current district only includes the area of the Athena-Weston School District. **Commissioner Elfering moved to adopt Order No. BCC2016-049 and set the hearing date for July 27 (noting the regular 7/20/16 meeting must be rescheduled). Seconded by Commissioner Givens. Carried, 3-0.**
15. Board meeting schedule June –September. **Commissioner Elfering moved to approve the Board meeting schedule noting changes are (1) set a meeting for 6/29/16 at 10:45 a.m. in Room 130 and (2) to reschedule the 7/20/16 meeting to 7/27/16, 9 a.m. in Room 130. Seconded by Commissioner Givens. Carried, 3-0.**
16. Election Payable. Mr. Olsen noted this is for postage for the upcoming election. **Commissioner Givens moved to approve the payable of \$10,000 to US Postal Service. Seconded by Commissioner Elfering. Carried, 3-0.**

There was no Executive Session.

#### Commissioner Reports.

Commissioner Elfering. Tomorrow he will attend a joint meeting of CIS and League of Oregon Cities. Matters pertaining to Army Depot are coming to conclusion rapidly, but details are confidential at this time. Water issue at depot has been resolved with the Oregon Military Department as soon as BRAC office approves, water issue will be resolved.

Commissioner Givens. As mentioned earlier, AOC conference in Umatilla County – in Pendleton, tours of EOTEC and Sno Road Winery received very good and positive comments about conference. Main topics were centered on resilient counties – emergency management procedures, improving overall procedures. AOC Board meeting was held at the conclusion, which centered around the NACo annual conference in Long Beach, California in July. AOC strongly emphasized need for all county commissioners to get involved in water and land use issues as well as air issues. Our three

Commissioners sit on NACo national steering committees. As AOC President, he will be involved with policy and lobbying. Two huge issues are emphasis by NIMS to work on riparian areas. Also, air particulates, which can be costly to counties (has to do with dust abatement on county roads and projects). However, Oregon counties are not as vulnerable as those in Arizona and Utah. Court of Appeals has allowed a stay on WOTUS but a different approach is trying to bypass that ruling. Counties will be fighting to uphold that decision at the July NACO conference.

Commissioners statewide were impressed with EOTEC and the fact no bond was needed – they were impressed with fundraising and volunteer efforts – great support, and local control.

Chair Murdock. He will attend Education & Human Services meetings at NACO in July, but will not attend the entire conference as are Commissioners Givens and Elfering.

Regarding the Owyhee Monument, Umatilla County submitted an opposition letter for creation of that national monument. He also talked about resilient counties and being pioneers of partnerships – it is quantified by communication. He proposes perhaps in October, Umatilla County could meet with representatives from Tillamook County about what “sister county relationship” looks like. Talk is a lot about public works, but there are a lot of other departments that could be impacted. The counties need to seriously discuss this.

He also noted his work on BOPTA (which was put to bed), a good and successful AOC spring conference in our County and adoption of the budget as highlights thus far this year.

The meeting was adjourned at 10:38 a.m.

Respectfully submitted,

*Melinda Slatt,*

Executive Secretary, Umatilla County Board of Commissioners