

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of September 21, 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:** Ryan Lehnert; Capt. Dave Williamson, UCSO; Paul Chalmers, Assessment & Taxation Director; Robert Pahl, Chief Finance Officer; Susan Christensen, GEODC Director; Tom Fellows, Public Works Director; Undersheriff Jim Littlefield; Cameron Larsen, UCo Health SPARC Tobacco Coordinator; Sarah Williams, UCo Health, Health Promotion and Prevention Supervisor; Tamra Mabbott, Land Use & Planning Director; Phil Wright, East Oregonian

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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. Please remember to sign in on the sheet by the door. 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 card from the Echo FFA Chapter thanking the County for the “Buyer Bump” continuing support for the youth livestock auction at the Fair and dedication to the next generation of agriculturalists, signed by the members of the Echo Chapter.

Commissioner Givens commended Tom Fellows, Public Works Director, for a “Partners Award for Innovation” from OEMA to him and to LeeAnn Welsh, Tillamook County Public Works Director, as a result of working together in a “sister county relationship” where county partnerships are formed in the case of a catastrophic event. Our two counties have been working together for a while, in particular planning for the Cascadia event. Mr. Fellows (and LeeAnn Welsh) will attend the OEMA annual conference in early October to receive the award. Chair Murdock added he has heard many good comments at various recent events in the area about Mr. Fellows’ good work in the county.

**Minutes of Previous Meeting.** Commissioner Givens moved to approve the minutes of the 9/7/16 Board meeting. Seconded by Commissioner Elfering. Carried, 3-0.

**Additions to Agenda.** Commissioner Givens asked to add discussion about (1) the County burn ban and (2) payables to Union County for Eastern Oregon Counties Association dues as well as discussion about an additional invoice from Union County for EOCA debt service.

**Public Comments.** None.

**Presentations:** None.

**Business Items**

1. **Sheriff's Office Vehicle Purchases.** Cpt. Dave Williamson, UCSO, reported. This is for additional police vehicles – 4 Police Interceptor SUV's to replace old vehicles and 1 crew cab pickup. Cost is just under \$150,000 for budget in FY15-16. The pickup is for enforcement use. He noted bids are from Gresham Ford, who holds the State of Oregon contract for fleet management. Commissioner Elfering commented again as he has in the past about his concerns in not letting area dealerships bid. He encouraged giving local dealers an opportunity to bid. Cpt. Williamson advised he could try to do that.

In addition, Cpt. Williamson advised Sheriff Rowan needs to replace his pickup; he selected a Dodge Crew Cab 4X4 pick at a cost of \$26,669 from Withnell Dodge, which holds the State of Oregon contract for fleet management. **Commissioner Elfering moved to approve purchase of 5 vehicles as outlined. Seconded by Commissioner Givens. Carried, 3-0.**

2. **Vehicle Purchase – A&D.** Doug Olsen presented. This is for two vehicles – the first is for a mid-sized car with a bid from Tom Denchel Ford – a 2017 Fusion at cost of \$17,950. Approval is recommended. The second part is for a mid-sized SUV. After further consideration, it was recommend by the department that the vehicle size was too excessive for its needs and is requesting the RFP be cancelled to go back out for a mini-van that better serve their needs. Commissioner Elfering commented he has talked with a couple of local dealers about the wording of bids – type /size of vehicle and hopes to get more interest. **Commissioner Givens moved to approve purchase of one vehicle for \$17,950 and to reject proposals and cancel the RFP for an SUV and authorize issuance for a minivan. Seconded by Commissioner Elfering. Carried, 3-0.**

3. **Tobacco Retail Update.** Presented by Cameron Larsen, UCo Health. He handed out copies of information to the Board. Current law does not allow sales to minors. In 2015, 1 in 3 (33%) in the county retailers sold to underage (under 18) as part of a compliance checks. There is no enforcement. It is suggested a policy for retailers be instituted to require licensure to comply with the law. County as whole shows 33% of retailers have sold to minors in compliance checks. Discussion continued about the significance of the report, do other western states besides California require licenses. Regarding enforcement, one retailer who failed 3 times during compliance checks in 2015 was served a warning letter, but no fine. A fine would go to the selling clerk (\$200 to \$2,200 range). It shows the law is not being enforced effectively and there are no real “teeth” to fines as they go to the clerk not the retailer. Mr. Larsen advised, simply the end game is tobacco is being sold to kids.

Mr. Larsen provided statistics: if kids wait to start smoking at 18, there is only a 75% chance they will keep smoking; if they wait until age 21, 90% will not smoke. For ages 13-15, reports show a high percentage will be addicted to tobacco products from that earlier age. Commissioner Elfering pointed out that all sales are over the counter – no machine dispensaries as in the past. Mr. Larsen noted a policy is in place in Multnomah and Lane Counties where they are working with cities to make enforcement work. Commissioner Elfering asked about an ordinance to consider, to which Mr. Larsen advised this can be done. He talked about more statistics, smokeless products and E-cigs. The focus will be on put enforcement about the law and not selling to minors. Commissioner Givens asked about proposals or plans to further legislation. Mr. Larsen advised there are plans for discussion at upcoming legislative

sessions, but our county is looking at preemption. There would be a fee to a retailer to support the enforcement program, which could be set locally. He will be back at a future meeting with a formal proposal.

4. Grant Writer Services. Commissioner Elfering reported. The proposal is to contract with Susan Bower with economic development/economic growth funds. The idea was suggested by area groups as a need to help obtain grants that are “being left on the table”. It would be a contract to work with small area cities whereby Ms. Bower would hire qualified staff for these services. **Commissioner Elfering moved to approve a contract with Susan Bower for \$15,000 to provide grant writing services. Seconded by Commissioner Givens. Carried, 3-0.** Commissioner Givens added with most grants one alone could pay for the services. Commissioner Elfering added that down the line, it is intended to be self-sustaining.
5. Business Loan Program. Commissioner Elfering noted a state loan fund is available and not being utilized. There needs to be a place to administer it. In that regard, conversations have been had with Susan Christensen, Director of Greater Eastern Oregon Development Corporation, about a community lending home program through DEQ with funds originating from EPA. This program is for communities to establish a loan program at low interest rate to benefit projects to help with cleaning up water. The three phases are: application phase, construction phase of project (wastewater treatment, new business meeting criteria of cleaning water) and repayment phase (over 10 years at low interest rate, now at 1.46%). The County could take on the program, then charge 3 or 4% interest, which is still under the prime rate. Ms. Christensen noted it would be promotion of economic development in communities. There is a loan officer on staff who could administer the process while being a benefit to the County, the program would be lodged at GEODC. It would be a partnership. An agreement would be needed to identify duties, responsibilities, etc. Mr. Olsen agreed there would be a Memorandum of Understanding. Consensus was to move forward with the program.

Commissioner Givens talked about water contamination, which was an issue from years ago in the Milton-Freewater area; there was a fund with a high matching fund requirement (10%). Ms. Christensen noted this is a loan program. She elaborated about process, construction would be done with receipts submitted to DEQ for reimbursement and the program can be set up as desired by the county and GEODC, quarterly payments, and etc.

6. Vehicle Purchase - A&T. A Request for Proposals was issued for a vehicle for Assessment and Taxation Department. Paul Chalmers wanted to accept the proposal from Tom Denchel Ford. Mr. Olsen advised the bid is for a 2017 Ford Escape in the amount of \$24,100; the recommendation is to award that bid. **Chair Murdock moved to approve. Seconded by Commissioner Elfering. Carried, 3-0.**
7. Stop Sign Order. Mr. Olsen advised this is for Colonel Jordan Road, Hermiston; he referred to a location map projected on the monitor. A sign is requested due to complaints about traffic not stopping at the intersection of the Madison Farms access road with Col. Jordan Road . **Commissioner Elfering moved to adopt Order #RD2016-05. Seconded by Commissioner Givens. Carried, 3-0.**
8. Vehicle/Equipment Purchase Authorization – Road Department. Tom Fellows, Public Works Director, the state had surplus vehicles and equipment available to meet the department needs. Five vehicles include: 2 pickups with reader boards, a smaller pickup, a broom, and a small dump-truck for Harris Park. He requested approval to pay the Department of Administrative Services \$34,120 for purchase of

equipment through the State surplus program. **Commissioner Givens moved to approve for payment. Seconded by Commissioner Elfering. Carried, 3-0.**

9. On-Site Septic Inspection Program. Tamra Mabbott, Planning Director, and Sarah Williams, Health Promotion & Prevention Supervisor. Planning and Environmental Health have been working together to take over the inspection program from the State DEQ. The State's lead person for the program is retiring so timing is good for the County to assume it. Staff has appropriate certifications (Joe Fiumara, Environmental Health, and staff (to soon be certified)) and there would be a Memorandum of Agreement with the State. Planning would start with permitting where applicants would be referred to Environmental Health for inspections and reporting. Budget is being worked out and staff is available. The EH team would take on on-site inspections in addition to their current work with lodging, pool and food service.

In response to a question about the process maybe being quicker, Ms. Mabbott noted turn-around time is hoped to be shortened. Currently, the State person covers 6 counties where the assumed program will cover Umatilla County. It is hoped our program will start in November 1. In terms of projects in process currently, DEQ is preparing to transfer projects to the county. Chair Murdock noted the state is very cooperative to get this program moved over quickly.

Commissioner Givens commented about building codes program at State and the hope to transfer it to local oversight over the last several years – up to now nothing has worked out. Ms. Mabbott advised this septic program is completely different and has been a positive experience. Consolidating our permitting program is a great idea – this will dovetail in well.

Mr. Olsen advised Board action is to review and approve the MOU if the County wants to move forward. Ms. Mabbott added that a public information meeting will be held with area/region contractors on October 17 at the Justice Center in Pendleton. **Commissioner Givens moved to approve the MOU for Permitting and Inspection of Onsite Wastewater Treatment Systems. Seconded by Chair Murdock. Carried, 3-0.**

10. Post-Retirement Employment. Ms. Williams presented. A Public Health nurse plans to retire. The position has extensive certification requirements. The employee would like to work 20 hours/week with benefits. This would allow the Nurse Family Partnership Program to continue. In response to Chair Murdock's question about openings at UCo Health, she advised there have been two openings since May. Job requirements are extensive and the employee meets the program requirements. **Commissioner Elfering moved to approve to the individual at .5 FTE as PERS retiree, beginning 1/1/17. Seconded by Commissioner Givens. Carried, 3-0.**
11. Fair Transition Plan/2017 Fair. Commissioner Givens reported. The Fair was held for the last time this year in its present location. He noted it was down on attendance, income and on livestock sales. CFO Robert Pahl estimated livestock sale was down approximately 10% and admissions were down, but not quite that much. Chair Murdock pointed out it was likely due to the fact there were more steers this year and amounts are down in the market.

Commissioner Givens advised the Fair needs to now concentrate on getting things moved. Talks have been had with Hermiston School District and the original plan is moving forward to turn over the fairgrounds 12/31/16 to the School District. In the meantime, all retained equipment will be moved into a secured storage area at EOTEC. The Fair transition plan is moving forward; staffing will change as a

result. The #1 goal is to support having everything set up for the 2017 Fair to take place at EOTEC next summer.

Commissioner Elfering asked what EOTEC is planning. Commissioner Givens advised the County is looking for 5 containers to use for secure storage at EOTEC. Containers are available for a minimal fee from a company in Portland, which will include providing transportation to get them here. In addition, fencing will be constructed for security. Containers are to replace old and unusable ones presently at the fairgrounds. Chair Murdock noted at a meeting with Fair Board earlier this week (attended by himself and Commissioner Givens), the desire to aggressively initiate a transition plan in order to be out of the current fairgrounds location by 12/31/16. In addition, strong concern was expressed about fact the Fair will be at EOTEC August 2017 with utmost importance to have the area ready.

Commissioner Givens advised EOTEC barn bids are to go out October 1. Chair Murdock reiterated the major component is the County's need to express to the EOTEC Board that things must move quickly – get the bids out and get the barns built. Commissioner Givens added the building committee met earlier this week and the next EOTEC meeting will be 9/30/16; they should be ready to let bids on 10/1 as planned for purchase of barn packages. This will be the second time for bid letting since the first bids came in too high (about \$700,000 above budget); things were cut out to get within budget. Chair Murdock encouraged Commissioner Givens to convey to the EOTEC Board the necessity to move forward. Commissioner Givens stated the goal is about the Fair and it needs to be ready for summer 2017.

Commissioner Elfering asked about the Farm City Pro Rodeo. Commissioner Givens advised the Rodeo Board is working with the Fair Board. Historically, all have worked together, but that will change with the Fair moving to EOTEC. The Fair will be a tenant. In the past, there was a joint relationship due to County's ownership of fairgrounds – that will not be the same going forward. It was reiterated the County's priority is the Fair.

12. Storage Purchase Authority. Commissioner Givens presented. The request is for \$30,000 (up to) for storage containers for permanent storage at EOTEC, to build a security fence and provide lighting and other related items. Mr. Pahl added that funding is available in the Fair moving fund for this purpose (in part). Commissioner Givens noted in addition gravel will be needed for a pad for the storage containers since the ground is sand. The Road Department advised him that per statute, since the use is not for a county road, reimbursement must be made. Chair Murdock reiterated this action is for permanent storage for the life of the Fair. **Commissioner Elfering moved to authorize the expenditure of up to \$30,000 for storage items as outlined. Seconded by Commissioner Givens. Carried, 3-0.**
  
13. Supplemental Budgets. Chair Murdock called the public hearing to order at 10 a.m. Robert Pahl, CFO, presented. Budget Order 2017-02 (Public Works Funds) to increase Local Revenue by \$95,000 and increase Materials & Services by same amount, due to new contract, exceeding the original budget. Budget Order 2017-03 (Records Archiving) needs to decrease Contingency by \$6,000 to allow for increased Materials & Services appropriations unknown at adoption of budget. Budget Order 2017-04 (General Fund – Emergency Management) needs to decrease Contingency appropriations by \$11,250 to allow for increased Materials & Services appropriations same amount, unknown at adoption of budget. Budget Order 2017-05 (General Fund – BOR Contract/Watermaster) due to funding unknown at adoption of the budget, requires decrease in General Fund Contingency \$1,178 to account for increase of appropriations in BOR Personnel Services same amount. Budget Order 2017-06 (General Fund –

Watermaster) due to funding unknown at adoption of budget, requires decrease in General Fund contingency \$60,000 and decrease in General Fund Materials & Services \$150,000. Also increase Watermaster Local Revenues \$9,547, State Revenues \$1,150, Materials & Services \$32,398 and Personnel Services \$188,299.

Clarification regarding Public Works, this is a contract with Morrow County. In response to a question from Commissioner Givens asked about Watermasters budget orders. Mr. Pahl noted Orders are due to changes during Budget Hearings regarding contribution and eliminations discussed at that time; since that time changed, shifts in personnel costs from BOR and Watermaster and some additional costs are needed to General Fund for funding level decided upon. There were no other comments. Chair Murdock closed the public hearing at 10:05 a.m.

**In the matter of Approving Supplemental Budgets Pursuant to ORS 294.471 for the Fiscal Year Ending 6/30/17, motions were made as follows:**

**Commissioner Elfering moved to approve/adopt Order No. Budget2017-02 (Program 4530 – Public Works). Seconded by Commissioner Givens. Carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget2017-03 (Program 3513 – Records Archiving). Seconded by Commissioner Elfering. Carried, 3-0.**

**Commissioner Elfering moved to approve/adopt Order No. Budget2017-04 (Program 4032 – Emergency Management). Seconded by Commissioner Givens. Carried, 3-0.**

**Commissioner Givens moved to approve/adopt Order No. Budget2017-05 (Program 4075 – BOR Contract/Watermaster). Seconded by Commissioner Elfering. Carried, 3-0.**

**Commissioner Elfering moved to approve/adopt Order No. Budget2017-06 (Program 4072 – Watermaster). Seconded by Commissioner Givens. Carried, 3-0.**

There were no budget transfer orders.

14. Appointments to Local Community Advisory Council. Mr. Olsen presented. This is to appoint Rebecca Gardner and Bobbi Fine Hayden to the LCAC. **Chair Murdock moved to approve and adopt appointments in Order No. BCC2016-071. Seconded by Commissioner Givens. Carried.**
15. Disposition of Surplus Generator. Mr. Olsen reported for Dan Lonai, Administrative Services Director. This generator was surplus equipment used at the Stafford Hansell building in Hermiston. The department is seeking to dispose of the generator. The first option is to sell it on Craig's List for \$7,000 or best offer. If not sold, request is to go through private sale or donation to dispose of it. It is not used and has not been for 12 years. **Commissioner Givens moved to approve. Seconded by Chair Murdock. Carried, 3-0.**
16. Lifting Burn Ban. Commissioner Givens advised a couple of entities have lifted their restrictions and now with cooler weather, he recommends removing the burn ban. **Commissioner Givens moved to lift the temporary burn ban by Order No. BCC2016-072. Seconded by Commissioner Elfering. Carried, 3-0.** The ban lifting will be effective midnight tonight.

17. Eastern Oregon Counties Association Invoices. Commissioner Givens presented. He received a letter, copies of EOCA's 8/11/16 minutes and two invoices from Union County. The regular annual dues for the Eastern Oregon County Association membership is \$15,800. However, a second invoice was received this year for "EOCA Debt Retirement" in the amount of \$4,715. For further explanation, he called Steve McClure, Chair of EOCA, who advised the additional amount is to cover dues not paid by Harney County, Baker County and Deschutes County. Those three counties claimed they could not afford to pay full dues (they did pay a portion of their dues). Other counties are being asked to reimburse Union County who paid the costs. Commissioner Givens advised work by the Association for involved counties includes paying for a lobbyist regarding SRS, continuation of PILT and other issues (i.e. water, endangered species, etc.) in our eastern Oregon area. He will promote discussion at EOCA because he does not want to pay anything more for other counties. He is concerned that this does not happen again. He felt three counties could easily have paid out of their PILT dollars, but he does not know what those amounts are. There was more discussion about "pay to play", the upcoming EOCA meeting and what are repercussions to those not paying their full share, what about continued EOCA representation if not paying, PILT funding, lobbying, etc. Commissioner Givens suggested it was OK this time, but not again; he does not want Umatilla County carrying someone else's debt. Chair Murdock advised the only way he would only participate in a motion is to formally express, in writing, to those counties not paying their fair share the Board's strong concern and, secondly, if those counties are not willing to pay their fair share, then they are not members of the EOCA. Commissioner Givens also suggested the letter could go to the EOCA, presented publicly. Commissioner Elfering added the association should consider the dues issues next year when invoices are sent out to avoid this same situation. **Chair Murdock moved to approve the payable for the two invoices, \$15,800 for dues and \$4,645 for debt retirement, subject to the conditions to formally express, in writing, to those counties not paying their fair share the Board's strong concern and, secondly, if those counties are not willing to pay their share, then they are not members of the EOCA. Seconded by Commissioner Givens. Carried, 3-0.**

No executive session.

Commissioner Reports.

Commissioner Givens reported he will attend a Fair Board meeting tonight; there will be some discussion about decision on time schedules for getting things moved. Chair Murdock asked that Ms. Slatt provide a portion of the minutes from today's meeting to Commissioner Givens to take to the Fair Board meeting.

Commissioner Elfering advised of a conversation with Bob Nooy, Public Works Shop, where he shared a letter with him from Sherrill Chevrolet in Hermiston. Sherrill did not realize vehicles could be ordered from the manufacturer noting there would be a several-week wait. In addition, there was a question as to a short bid deadline – they could not meet it. Commissioner Elfering relayed the information to Sherrill. Commissioner Elfering added he has mentioned at previous meetings the desire to work with local dealers. Undersheriff Jim Littlefield noted that some dealerships in other areas have the ability to get a better price and they are on the state list.

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

Respectfully submitted,

*Melinda Slatt,*

Executive Secretary, Umatilla County Board of Commissioners