

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of February 1, 2017  
9:00 a.m., Room 130, Umatilla County Courthouse  
Pendleton, Oregon

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

**County Counsel:** Doug Olsen

**Members and Guests Present:** Tom Fellows, Public Works Director; Road Department: Doug Hall, Cory Hardy, L.G. Bullock; Brandon Seitz, Assistant Planner; Michael Ward, Umatilla Basin Watershed Council Director; Bob Waldher, Senior Planner; Tamra Mabbott, Planning Director; Carol Johnson, Planning; Robert Pahl, Chief Finance Officer; Paul Chalmers, Assessment & Taxation Director; Karen Wagner, Senator Merkley's Field Representative; Roger Baisch, Baisch Vegetation Manager; Merlyn Berg, Baisch Vegetation; Theodore Orr, Weed Department Supervisor

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**CALL TO ORDER**

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

**Pledge of Allegiance** was led by Commissioner Bill Elfering.

Chair Givens 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.

He noted there will be a place for public comments.

**Awards/Correspondence/Recognition.** Commissioner Elfering recognized Bob Waldher and Brandon Seitz for achieving the certification of Flood Plain Manager. He read the letter. This is for flood plain development whereby they provide valuable assistance to area property owners. They came forward to receive their certifications and congratulations. Paul Chalmers took a photo.

Chair Givens read a thank you card from the Athena Main Street Association for \$6,600 in matching funds for an AWERE grant to be used for the first phase of lighting. There has been great response from community with lighting ceremony in December. Commissioner Elfering added this funding is part of the change in Economic Development funds for things that are lasting in a community. Commissioner Murdock also added after attending a Mayors meeting yesterday that Mayor Shafer told him this has also brought in interest and awareness in Athena giving a positive bump in the right direction.

Chair Givens then read a thank you card from Community Corrections staff for allowing them a safe day at home on January 18 when the courthouse closed due to inclement weather.

He then read a letter to Tom Fellows from ODOT announcing Level I Road Scholars. There are 10 core classes to graduate from the Road Scholars Program, which develops skills; there were 1,000 participants statewide. Congratulations to Loren Bullock, Cory Hardy and Doug Hall for their certifications as Road Scholars. They

each came forward to receive a plaque, certificate and transcripts and travel mugs. Mr. Chalmers took a photo of the presentation by Tom Fellows and Chair Givens.

**Minutes of Previous Meeting. Commissioner Elfering moved to approve the Board meeting minutes of 12/7/16, 12/21/16, 1/4/17 and 1/18/17. Seconded by Commissioner Murdock. Carried 3, 0.**

**Additions to Agenda.** Commissioner Murdock asked to add under an item regarding state intergovernmental agreements from Rob Bovet (AOC); he will make a motion at that time.

**Public input for those items other than on agenda.** Roger Baisch, Baisch Vegetation, Tri Cities. He comes to Umatilla County and performs weed control. He has had some issues with a weed contract of the County performing contract with the Bureau of Reclamation. Chair Givens asked if he had previously visited with County Counsel, Mr. Olsen. Mr. Baisch responded no, but he has corresponded with him. At this time, it is an informational visit and he wants to resolve some things. Mr. Olsen has been helpful. Chair Givens suggested it would be best for him to talk with Mr. Olsen to go over bid contracts/ BOR contracts. Mr. Olsen noted he is not sure that this federal government agency had solicited bids in the past; two years ago bid was solicited. The County Weed Department proposed a 5-year contract, which is just starting the second year. It does not appear the County can get out of the contract, but the BOR can. In the past, the Board has expressed its desire not to compete with the private sector. Mr. Baisch feels the Board could revisit and address the issue. Chair Givens reiterated the County does not want to limit private entities or undercut the private sector. Mr. Baisch handed a brief statement to each Commissioner of information to consider. Mr. Baisch wants to get a discussion started and go from there.

There were no other presentations.

#### **Business Items:**

1. **City of Pilot Rock and City of Weston TSP Co-Adoption.** Chair Givens noted this was listed as a public hearing, which he opened at 9:21 a.m. He asked for a staff report. Brandon Seitz, Planning Department, presented. He requested continuance on both items due to late comments from ODOT advising some documents that relate to the transportation system plans should have been included in the packets for consideration. **Commissioner Elfering moved to continue the hearing until 2/15/17, 9 a.m. Seconded by Commissioner Murdock. Carried, 3-0.**
2. **Umatilla Basin Watershed Council Appointment.** Mr. Olsen noted this started with the request for one appointment and, after review of the Council, there have been three other individuals participating who need formal appointment, and reappointment for 6 others. (Council appointments are: Terry Warhol, Kaisa Phillips-Hill, Patty Jones, Sarah Anderson, Jeffrey Blackwood, Carlisle Harrison, Lowell Saylor, Kenneth Thompson, Douglas Bennett and Richard Nichols). He introduced Michael Ward, new director of UBWC. Mr. Ward advised he just moved from Colorado about two months ago. He has talked with Mr. Olsen who has been helpful in updating their council. He then provided a brief activities update: West Irrigation District dam removal of Dillon Dam, hopefully to be out in July. Public viewing will occur before and after. A second project, Birch Creek assessment, Pilot Rock flooding mitigation. Also, working on assessment and design plan at Athena and looking for a grant to move a bridge and dam located there. Chair Givens commented about flooding in the Helix area that should be considered. Mr. Ward also advised he will continue to work closely with Planning. **Commissioner Elfering moved to appoint board members as outlined in adopting Order No. BCC2017-008. Seconded by Commissioner Murdock. Carried, 3-0.**

3. Payables to Watershed Councils and Soil & Water Conservation District. Mr. Olsen noted these are annual contribution payments of \$10,000 each to the Umatilla Basin Watershed Council, Walla Walla Watershed Council and the Soil & Water Conservation District (2016 contribution). **Commissioner Elfering moved to approve payables. Seconded by Commissioner Murdock. Carried, 3-0.**
  
4. Weed Control Products Contract. Mr. Olsen presented. A request for proposals was issued. Three proposals were received and recommendation after Weed Department review is to award the contract to Helena Chemical Company; approximate cost is \$14,253. Teddy Orr, Weed Department Supervisor, came forward and provided copies of the proposals for more explanation. Chair Givens noted for record that bids were from Wilbur Ellis in the amount of \$14,637 and CPS in the \$14,967. The low bid was from Helena Chemical Company. Commissioner Elfering asked for comparison of prior years; Mr. Orr advised it varies, but is fairly average and consistent. **Commissioner Murdock moved to approve and authorize purchase of weed control products for 2017 from Helena Chemical Company for an estimated cost of \$14,252.97. Seconded by Commissioner Elfering. Carried, 3-0.**
  
5. Supplemental Budgets. Public hearing was called to order at 9:31 a.m. by Chair Givens. Robert Pahl, Chief Finance Officer, presented. There are nine supplemental budgets to consider.
  - Budget Order 2017-09 (Economic Development Fund) requires supplemental budget to appropriate funding not known at time of budget adoption – requires increase in Materials & Services of \$30,000 to expend an additional \$30,000 received as Local Revenues.
  - Budget Order 2017-010 (County Fair – Fairgrounds) requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Materials & Services of \$4,600 to expend an additional \$4,600 received as Local Revenues.
  - Budget Order 2017-011 (Human Services – Developmental Disabilities) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Capital Outlay of \$50,000 and a decrease in Contingency appropriations by same amount.
  - Budget Order 2017-012 (Community Corrections) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Undesignated Fund Balance \$513,240, Local Revenues \$15,500, Capital Outlay \$18,500, and Contingency \$560,790. It also decreases Materials & Services \$50,550.
  - Budget Order 2017-013 (Community Corrections-Drug Court) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Undesignated Fund Balance \$3,075, State Revenues \$117,000 and Materials & Services \$56,500. It also decreases Local Revenues \$139,050, Personnel Services \$70,743 and Contingency \$4,732.
  - Budget Order 2017-014 (Community Corrections-Transitional Housing) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Undesignated Fund Balance \$15,555 and Contingency \$15,677. It also decreases Local Revenues \$2,878 and Materials & Services \$3,000.
  - Budget Order 2017-015 (Community Corrections-Justice Reinvestment Grant) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Undesignated Fund Balance \$103,694 and Contingency \$91,313. It also decreases Local Revenues \$32,180, State Revenues \$1, and Materials & Services \$19,800.
  - Budget Order 2017-016 (Community Service Development Fund) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase a Transfer In of \$283,976 and in Contingency \$237,556. It also decreases Undesignated Fund Balance \$46,420.

Budget Order 2017-017 (Youth Services Development Fund) – requires supplemental budget to appropriate funding unknown at time of budget adoption – requires increase in Local Revenues \$524. It also requires a Transfer Out of \$283,976 and decreases Undesignated Fund Balance \$15,959 and Contingency \$299,411.

In response to a question from Chair Givens about Order 2017-15 -- the \$1 item, Mr. Pahl answered the budget had to be balanced. In response to Commissioner Murdock's question about capital outlay of transferring fund of Milton-Freewater to courthouse facility, Mr. Pahl noted a supplemental budget will likely be done in the next round – it wasn't ready for this meeting. There were no other questions. Chair Givens closed the public hearing at 9:38 a.m. **In the matter of Approving Supplemental Budgets Per ORS 294.471 for FY ending 6/30/17, as follows: Commissioner Murdock moved to adopt Order No. Budget2017-09 (Program 1029-Economic Development). Seconded by Commissioner Elfering. Carried, 3-0.**

**Commissioner Elfering moved to adopt Order No. Budget2017-10 (Program 4043-County Fairgrounds). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Murdock moved to adopt Order No. Budget2017-11 (Program 5490-Developmental Disabilities). Seconded by Commissioner Elfering. Carried, 3-0.**

**Commissioner Elfering moved to adopt Order No. Budget2017-12 (Program 1527-Community Corrections). Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Murdock moved to adopt Order No. Budget2017-13 (Program 1529-Drug Court). Seconded by Commissioner Elfering. Carried, 3-0.**

**Commissioner Elfering moved to adopt Order No. Budget2017-14 (Program 1531-Transitional Housing/Community Corrections). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Murdock moved to adopt Order No. Budget2017-15 (Program 1532-Justice Reinvestment Grant). Seconded by Commissioner Elfering. Carried, 3-0.**

**Commissioner Elfering moved to adopt Order No. Budget2017-16 (Program 5260-Community Services Development). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Murdock moved to adopt Order No. Budget2017-17 (Program 5261-Youth Services Development). Seconded by Commissioner Elfering. Carried, 3-0.**

For more clarification in response to Commissioner Murdock's question having the order he referred to earlier presented at the next meeting, Mr. Pahl explained it depends on notice requirements, but he hopes to have everything ready to go at next meeting.

6. EOTEC Payable. Mr. Olsen noted this item is before the Board due to amount; it is for the 2016-17 FY as payable to EOTEC for an annual payment. Commissioner Murdock asked that based on prior Board conversation, what is this funding request specifically for? Chair Givens added the amount is more than what was originally agreed on. Mr. Pahl explained that technically speaking it could cover EOTEC budget shortfall that is anticipated. He is not exactly certain how it will turn out; however, the County needs to square this up with EOTEC and with the City of Hermiston. It was budgeted by EOTEC for an amount to balance its budget. Historically, commitment was for \$25,000 for the first 3 years of operation; after that point and because of the agreement, the County and Hermiston are to cover EOTEC's shortfall each year. In reality, it unknown until the end of June or July 1 what operation costs will be this year. Chair Givens commented about City of Hermiston budgeting wherein he has seen two conflicting reports (EOTEC's Manager Cannel's report was they were \$4,000 in the hole; however, Hermiston noted a shortfall of about \$19,000). It is being looked at and a presentation will be before the EOTEC Board. They are looking at a management plan after a recent joint meeting with the Board of Commissioners and City of Hermiston. EOTEC is in the

middle of construction causing some cost issues. Mr. Pahl added he's not in a hurry for the County to make the payment; he suggested maybe more conversation with EOTEC and the City of Hermiston is needed to determine if the amount is proper. Mr. Olsen advised the payable could be tabled for more review. **Commissioner Elfering moved to table the payment to EOTEC in the amount of \$45,190. Seconded by Commissioner Murdock.** Commissioner Murdock commented/clarified, this is a motion to pay the County annual contribution, which was assumed to be agreed upon; which this is not (agreed upon). Chair Givens agreed -- the agreement was \$25,000. Commissioner Murdock did not want to make a motion until the amount is tied down. In addition, the County agreed to make contribution for balancing budget. This may or may not balance the (EOTEC's) budget. Again, Chair Givens agreed; he also noted still in EOTEC's budget is promotion budget of approximately \$160,000. That Board (EOTEC) needs to discuss a management strategy and the promotion piece (statutory requirements must be met). In addition, Commissioner Murdock pointed out this Board must consider agreement and what the County and the City is on the hook for. Management is paramount. He commented the joint meeting with the Hermiston City Council was very productive. They seem to share the County's concern about putting tax dollars on the hook for EOTEC's budget shortfall. Chair Givens noted another joint meeting is planned for late March. The Board discussed the importance of a management plan and setting out requirements for staff. **Carried, 3-0.**

7. Sale of Property. Paul Chalmers, Assessment & Taxation Director, reported. This is a follow-up to prior Board action on Sunridge lots in Pendleton. The required timeframe has come and gone. Approval is sought for sale of the additional 16 lots. A total of \$781,858 was bid from the City of Pendleton, which would make the lots owned by the City. He also understands the City plans to be aggressive in making these lots available for purchase. **Commissioner Murdock moved to adopt Order No. BCC2017-013. Seconded by Commissioner Elfering. Carried, 3-0.**
8. Veterans Services Officer Position. Commissioner Murdock presented. This is proposal for a new officer, an assistant in charge of recruiting through Human Services. The position is not being advertised; it is only being offered as a County position and is fully contingent upon receipt of funding through Ballot Measure 96. There is some question if all funds may remain intact, which was the voters' intent. **Commissioner Murdock moved to approve the position with clear understanding that it is only contingent upon funding coming from the State. Seconded by Commissioner Elfering agreed (adding agreement is also providing the funds are received intact based on the Governor's budget). Carried, 3-0.**
9. Organization Amendment. Chair Givens opened the public hearing at 9:56 a.m. Mr. Olsen presented. This amendment is based on current practice, in particular, to align the Board of Commissioners and Finance Office. In addition, some programs are no longer part of County structure. At this time, Watermaster is included, but that will change as of July 1; the chart will be updated at that time. There were no comments or questions. The hearing was closed at 9:59 a.m. **Commissioner Murdock moved to adopt Ordinance No. 2017-03 updating the County Organization chart. Seconded by Commissioner Elfering. Carried, 3-0.**
10. Wolf Depredation Grants. Mr. Olsen reported. This is for non-lethal control method 2016 grants and also for 2015 missing livestock as recommended by the Umatilla County Wolf Depredation Advisory Committee. Commissioner Murdock declared a conflict of interest and recused himself from the

vote. **Commissioner Elfering moved to approve and adopt Order No. BCC 2017-014. Seconded by Chair Givens. Carried, 2-0. Commissioner Murdock abstained.**

11. Wolf Depredation Advisory Committee Appointments. Mr. Olsen presented. Three terms expired at the end of 2016. Two are eligible and willing to serve for another 4-year term (Jerry Baker, Randy Severe and Ryan Raymond). **Commissioner Elfering moved to adopt Order No. BCC2017-015. Seconded by Commissioner Murdock. Carried, 3-0.**
12. Intergovernmental Agreement Letter and Comments. Commissioner Murdock noted this action request is from Association of Oregon Counties' counsel, Rob Bovett, regarding State/County Intergovernmental Agreements. **Commissioner Murdock moved to support SB 212 as amended by AOC and that Umatilla County aggressively supports efforts to secure a hearing and passage of this Measure. Also, that the County instructs legal counsel to provide a leadership role in these efforts. And, that a copy of this motion will be forwarded to Rob Bovett. (Mr. Olsen advised this would be Order No. BCC2017-016 to be drafted as instructed). Seconded by Commissioner Elfering. Carried, 3-0.**
13. Executive Session was requested by Commissioner Murdock pursuant to ORS 192.6602(h) for the purpose of meeting with county counsel.

Chair Givens advised before moving to executive session, he introduced Karen Wagner, Field Representative to Senator Merkley. She commented her attendance today was with specific interest in the wolf depredation program. In working with Oregon Fish & Wildlife, there may be about \$16,000 available for non-lethal control methods and they are working on a category of missing livestock for ranchers to consider that and have access. It is a big interest statewide and money from F&W should be forthcoming this year (exact amount to be determined). In addition, Senator Merkley's office will look at budget where appropriations are coming out this month. She will provide updates as they happen. Commissioner Murdock elaborated about the reason for his recusal on the Wolf Depredation grants business item is that his son works with Cunningham Sheep, which submits for payment for grants.

Commissioner Reports. None.

Chair Givens recessed at 10:10 a.m. to Executive Session in Room 121 pursuant to ORS 192.660-2a(ab&h).

No action was taken after Executive Session. The meeting adjourned at 10:25 a.m.

Respectfully submitted,

*Melinda Slat,*

Executive Secretary, Umatilla County Board of Commissioners