

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of August 16, 2017
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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

County Counsel: Doug Olsen

Members and Guests Present: Thomas Roberts, County Emergency Manger; Dale Primmer; County Community Justice Director; Mariah Hinds, County Health TPEP Coordinator; McKenzie Byrd, County Health Intern; Jim Setzer, County Health Director; Kim Weissenfluh, County Developmentally Disabled Program Manager; Jennifer Blake, County Human Resources Director; Gina Miller, County Planning Department; Phil Wright, East Oregonian

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 Murdock.

Chair Givens reminded those present that the meeting is a public forum. It is not being videotaped today since the main camera is down. It is being 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/Correspondence/Recognition. Commissioner Elfering read a thank you card received from Tanner Meade (4H) for support at the Milton-Freewater Junior Livestock Show and Sale. Chair Givens noted the Fair just finished last weekend so many more thank you cards are expected. He advised that Jennifer Blake’s daughter sold a market lamb at \$30 per pound – a record. Congratulations! Commissioner Murdock read a thank you card from National Association of Counties for securing Dr. Mark Mulvihill as a speaker. Unfortunately, Commissioner Murdock was unable to attend the conference in Columbus OH. He remarked on the high achievement for someone from Oregon attending as part of a panel of speakers. Commissioner Elfering advised he attended the session and felt Dr. Mulvihill was very articulate at the large gathering. Lastly, Chair Givens read thank you card from the Athena Main Street Association for the County’s donation toward purchase of the old PGG building and to invite the Commissioners to a community block party on 8/18. (Commissioner Elfering noted the funding came out of the County’s Economic & Community Development program not general fund.)

Minutes of Previous Meeting Commissioner Elfering moved to approve the minutes of the 7/19/17 Board meeting. Seconded by Commissioner Murdock. Carried, 3-0.

Additions to Agenda. None.

Public input for those items other than on agenda Chair Givens advised this is the time for public input (for other than a scheduled item on the agenda) and also for recognition of visitors. There were none.

Presentations. None.

Business Items:

1. **209 Interchange.** Commissioner Murdock requested this item for discussion of the proposal to change the interchange by Highway 395 and I-84 going south toward Pilot Rock. He noted frustration of lack of a transportation package with major concern being the 209 interchange. There are also a number of other roads that come together particularly on the west side by Burger King and the old Forest Service office. In addition, across Highway 395 on the east is Tutuilla Road towards the Middle School. 45 new homes are slated to be built by Sunridge Middle School which will increase traffic even more. He has met with Pendleton City officials as well as Kathleen Cathey of Senator Merkley's office and the regional supervisor from ODOT – all agree the 209 interchange traffic is getting worse and worse. Any change will be very expensive and he would like to propose at a future meeting to consider a Board resolution indicating the 209 interchange as a high priority project for federal and state highway funds in Umatilla County. ODOT agrees it is a high priority. The resolution would support ODOT and the City of Pendleton efforts to obtain funding.

Chair Givens noted he is attending a joint meeting of the OTC (Oregon Transportation Commission) and North East Area Commission on Transportation on Thursday and Friday (August 17-18) in Enterprise (he is a NEACT Board member). He agreed it would be a good time to include some points for him to bring up for discussion regarding the 209 interchange. Also, he feels a resolution would be a good idea to have in hand and requested Doug Olsen prepare the resolution. **Commissioner Murdock moved to approve a resolution supporting improvement of the 209 interchange at Pendleton and to have Chair Givens take the Board resolution to the OTC meeting. Seconded by Commissioner Elfering. Mr. Olsen was directed to prepare Order No. BCC2017-047.** Commissioner Murdock added he felt a unified voice and support of the County as well as ODOT and the Highway Division. The County doesn't have a funding mechanism, but the support is there. He also pointed out the focus on infrastructure will be addressed by the President, hopefully soon, as it is a high priority on his list. **Carried, 3-0.**

2. **Ambulance Ordinance Amendment – Public Hearing.** Mr. Olsen noted this is the second reading of the Ordinance. There have been no changes since the first reading. Chair Givens opened the public hearing at 9:19 a.m. He asked for questions or concerns. Hearing none, he closed the hearing at 9:20 a.m. **Commissioner Elfering moved to approve and adopt Ordinance 2017-12. Seconded by Commissioner Murdock. Carried, 3-0. Mr. Olsen advised the second portion is to approve the plan. Commissioner Elfering moved to approve the Ambulance Service Plan. Seconded by Commissioner Murdock. Carried, 3-0.**
3. **Potential Emergency Order.** Tom Roberts, Emergency Manager, presented. This is in regard to upcoming eclipse on 8/20. On 8/14, Governor Brown ordered a declaration for the State; he asks the Commissioners for guidance as to moving forward. With extreme fire danger there is potential for need to have an emergency order in place. He strongly suggested a Board order be in place in order to address issues and potential costs, hopefully to be reimbursed if costs meet requirements (threshold). He will be working in South County – people will work out of Emergency Operations Center at 911 for non-emergencies and also to be in position to activate the EOC. The bulk of resources will be used for Highway 395 from Ukiah to the Grant County line. In response to Commissioner Elfering's question about what is anticipated, Mr. Roberts noted an extreme example is wildfire in forested region with the high volume of visitors is expected; traffic egress is also a concern. However, a lot is unknown. He suggested consideration of fuel expense and an order in place would give the ability to reach out to additional State resources more quickly. Our County and neighbor counties are at maximum of resources available and this may add to resources already stretched thin. Chair Givens added an order would be to streamline the process with the declaration/order ready to go to give our Emergency Manager the tools

needed to work quickly. Mr. Olsen noted normally the Board would wait until the emergency develops. All Commissioners will be in the office on 8/21. Chair Givens directed Mr. Roberts to be prepared and advised the Commissioners will be available on 8/21 for quick action if needed.

A second action noted by Chair Givens was that no agricultural burning had been allowed due to the air quality issue, but should a total burn ban go into effect? Discussion continued including public safety issue, timing of ban to take effect and when to terminate. Gina Miller, Code Enforcement and staff liaison to the Smoke Management Committee, noted that no agricultural burning had been allowed since back on Monday due to Fair and before that for air quality alerts. Friday/Saturday/Sunday is an all-burn ban due to the Muddy Frogwater (Milton-Freewater Rocks!) festival. She agreed no burning on Monday would be good. She has not had any complaints from seed growers for not being able to burn. More discussion about timing of an agricultural burn ban and when decided there would need to be a press release.

Commissioner Murdock expressed concerned about a retroactive burn ban. Commissioner Elfering agreed and was reluctant to change for those with a planned burn; weather conditions are part of it. **Commissioner Murdock moved for a total burn ban for four days – Friday through Monday (8/18-21. Second by Commissioner Elfering. Carried, 2-1. (Chair Givens felt the ban should be through Wednesday.)**

Commissioner Murdock to Mr. Olsen, while the Board doesn't want to declare state of emergency, is there a state of high alert that the Board could take action on? Mr. Olsen advised there is not a policy for it. Chair Givens suggested Mr. Roberts have paperwork ready. Ms. Miller advised visitors would need to be advised about the burn ban; she will work with Mr. Roberts about messaging. It was noted sign messaging on the highways already warn of high fire danger. Commissioner Murdock suggested the Health Department should also update its message board.

4. Vehicle Purchase. Dale Primmer, Community Justice Director, presented. This is continuation of discussion over last few months having to do with upcoming changes in his program (Justice Reinvestment) and new positions for direct service delivery requiring another vehicle for staff is changing. Bids were sought through the State contract and local vendors; the low bid is out of Legacy La Grande for a Jeep Compass just under \$21,000. He requests approval; however, he would like navigation equipment if it is okay to modify since bids already went out. Mr. Olsen noted if it is an option, it could be done. Commissioner Elfering asked about how "wide a net" was used in the bid proposal. Mr. Olsen noted the specifications are for a mid-size vehicle. Mr. Primmer would prefer navigation equipment in the vehicle vs. using his phone. He will come back to the Board with more information and recommendation.
5. Community Corrections 2017-19 Plan. Mr. Primmer presented. The plan is to go before the LPSCC to review and recommend it to the Board. He met last week with LPSCC and went through the individual programs where he received approval. It is appropriate to sign the funding agreement with the state. He noted there is a funding formula the Department of Corrections goes through every biennium to arrive at the total cost per day multiplied by individuals on services statewide to arrive at a percentage for baseline funding. If there is not adequate funding, the County can give the program back to the State to run. He noted the budget is at \$6.1 million for the biennium. There are between 750-800 felons on adult supervision in Umatilla County. Changes have happened with program delivery (i.e. drug court being restructured due to less revenue and contracting with the Sheriff's Office for jail beds; there is also an agreement with Sheriff's Office for a deputy working specifically with absconders. In addition, a new Parole Officer position will tie into some of these changes in services.) Chair Givens noted every year this plan is a standard thing. He commended Mr. Primmer for constantly looking at ways to improve and

keeping programs sustainable and efficient. Mr. Primmer noted the unique ability to carry-over unspent funds, and he is frugal about spending. **Commissioner Elfering moved to approve the 2017-19 Community Corrections Plan and to authorize the Chair to sign a letter of acceptance and support. Seconded by Commissioner Murdock. Carried, 3-0.**

6. Creation of Position – Community Corrections Program. Mr. Primmer presented. Part of biennial plan includes staffing needs. Due to revenues reductions, he held off on hiring. He consolidated positions -- primarily electronic surveillance and to spread caseload numbers. He can restore the program to full service capacity with adequate revenues. He would like caseload numbers to be 45-50 per PO vs. 60-70. He requested allowing creation of position and hiring one additional Parole Probation Officer. He elaborated and gave history of staffing levels. Commissioner Elfering also added budget funding is available and there would be no General Fund impact. **Commissioner Elfering moved to approve Community Justice be allowed to create position and hire one additional Parole Probation Officer. Seconded by Commissioner Murdock. Carried, 3-0.** In response to a question from Chair Givens about future of funding, Mr. Primmer didn't feel there will be General Fund impact in the future. The Work Release Center is being used but a different model would be needed (the center closed in 2008-2010). It is now more into residential treatment vs. employment. He would need to look at best use of expenses and different services.
7. JRI Grant. Mr. Primmer presented. Funding is requested through the Criminal Justice Commission. The intent was to fund local public safety infrastructure to try to keep prison growth static and maintain local safety. Stabilizing prison population created savings since they get recycled into the community. This biennium was \$40.1 million and the County share using the formula was \$916,800. 10% goes to the victims program and the rest goes for County programs/services. A letter of approval comes from LPSCC and also the Board is requested to send a support letter. Funds would be used for continuation of a day management program; Jail Treatment programming (A&D, mentally ill assessments for appropriate placements) and also restructuring for revenue to return to a drug court model. **Commissioner Elfering moved to approve request of the JRI grant application and to authorize the Chair to sign a letter of support. Seconded by Commissioner Murdock. Carried, 3-0.** Mr. Primmer noted he has also sent a grant application for consideration by the Criminal Justice Commission for \$100,000.
8. Creation of Position – Developmental Disabilities Program. Kim Weissenfluh, Program Manager, presented. The position was left unfilled for 1 year so she could conduct a staffing study. Now, with changes made over the last few months, she is ready to move forward. She would prefer a Spanish speaking person to fill the position. It is Range 12, Office Assistant III. **Commissioner Murdock moved to approve creation of the OAIH position in the CDDP. Seconded by Commissioner Elfering. Carried, 3-0.**
9. Tobacco Retail License MOU. Mariah Hinds, UCo Health/Tobacco Coordinator, presented. This is for an agreement to get a unified license throughout the County to prevent youth initiation of tobacco use and also for illegal sales by vendors. The proposed policy included definitions and restrictions of placement of tobacco products for sales. Mr. Olsen advised this is a new County program for the County to address actions within cities. There was discussion about authority not included in state regulations; County enforcement authority of retailers to make a priority for not selling to minors. Ms. Hinds advised 1 in 5 retailers in Umatilla County failed – many multiple times in being caught selling tobacco products to minors. Studies show tobacco addiction starts at the youth level – before age 18. UCo Health has conducted surveys where stats show 90% of tobacco users started under age 21. There was more discussion of authority and enforcement of retailers. Mr. Olsen advised fines can be imposed if it is under County ordinance; it would be under code enforcement as authority; the fine is \$500 (which amount is set

by the State). Ms. Hines added other States which have already enacted this same ordinance (i.e. California, 33% improvement shows a very effective way to curb access to youth). Commissioner Murdock noted there were some counties that were much higher than that percentage. **Commissioner Elfering moved to approve providing authority for Public Health to approach cities and other jurisdictions for the County regulation of sale of tobacco to minors. Seconded by Commissioner Murdock. Carried, 3-0.** Mr. Olsen advised the actual ordinance will come to a future Board meeting as public hearings with two readings.

In response to Commissioner Murdock's question about approaching retailers, Ms. Hinds noted retailer managers and owners, overall, most have been in support of license for youth tobacco use prevention (around 50%). Income from tobacco shows the majority of retailers make \$200 in sales/week and some up to \$5,000/week – so the fee is about \$250-\$300 for tobacco retail license – it is very affordable for retailers. She added that Morrow County is also interested in working with our County.

Executive session was called by Chair Givens at 10:23 a.m. pursuant ORS 192.660(2, a, b & h) for personnel discussion.

Back to regular session at 10:50 a.m.

Commissioner Reports.

Commissioner Murdock: He went to the AOC Board Planning Retreat (8/13-14). Sessions were good; the Legislative session was a big topic of discussion – a panel of 4 legislators attended. The bulk of time was spent on priorities of AOC. PERS was a top priority as well as housing for areas of focus. Also discussed was the current committee structure and if it is viable. The feeling was to perhaps have focus on policy managers of PERS and of housing (as priorities).

Commissioner Elfering: Announced that Tamra Mabbott has resigned as Planning Director to go to City of Umatilla; she is leaving as of 8/25. The Planning Director position is being posted and interviews will occur. Her departure also affects the Economic & Community Development program where she has been assisting him.

He reported about a meeting he attended at McNary Dam with Secretary of Energy, Rick Perry, including a tour. Afterwards, he met with Secretary Perry and Congressman Walden as well as regional economic development and energy partners (PacifiCorp CEO, PGE CEO, BPA Administrator, Cal-Pine Regional Manager and CEO and the CEO of the Umatilla Electric Co-op). It was stressed that BPA is a huge asset here and encouraged it not be sold. Later that day and the following day, he will attend City-County Insurance Services Board of Trustees meeting, at which time he will be inducted as Chair of Board of Trustees of CIS.

Commissioner Murdock added he will attend Pendleton Leadership (Pendleton Chamber) graduation tonight where his wife is graduating as well as staff members, Jennifer Blake (Human Resources Director) and Undersheriff Jim Littlefield.

Chair Givens: At Fair all last week; he felt it went really well although parking was an issue, but changes were made to address parking.

At the McNary Dam tour and meeting, he talked with Secretary Perry about the Snake River Dam – including the large number of trucks (27/day) loading wheat on barges; 1/3 of the Western US wheat is shipped through the Port at Lewiston Idaho.

The meeting adjourned at 11:03 a.m.

Melinda Slatt,

Executive Secretary, Umatilla County Board of Commissioners