

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of February 7, 2018
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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

County Counsel: Doug Olsen

Members and Guests Present: Brent Smith, La Grande Attorney representing Joyce Langley; Joyce Langley, Hermiston; UCo Health: Alisha Southwick, Nurse; Meghan Field and Erin Sciorti, AmeriCorps; Jim Setzer, Director; Floyd Turnbull & Jacqueline Turnbull; Jer Pratton; Kyla Latham; Dale Primmer, County Community Justice Director; Bob Keys & Sue Keys; Jason & Serena Torres; Jean & Rick Clark; Gail Nelson, County Economic Development/Tourism Coordinator; Mark Tanner, County Maintenance-Facilities; Tom Fellows, County Public Works Director; Theodore Orr, County Weed Department; Robert Pahl, County Chief Finance Officer; Jennifer Blake, County Human Resources Director

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CALL TO ORDER

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

Pledge of Allegiance was 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/Correspondence/Recognition. None today.

Minutes of Previous Meetings. Commissioner Givens moved to approve the Board meeting minutes of 12/20/17, 1/3/18 and 1/17/18. Chair Murdock seconded. And added to the motion and second, two more meetings minutes of 1/16/18 Land Use Hearing and 1/16/18 joint Fair Board. Carried, 2-0.

Additions to Agenda. Chair Murdock asked to add a date for negotiations of EOTEC with the City of Hermiston, agenda item 19.

Public input for those items other than on agenda. Chair Murdock 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.

Business Items:

1. **Salmon Point Livestock District - Public Hearing.** Chair Murdock called the hearing open at 9:04 a.m. and asked for the staff report. Doug Olsen advised notice was published in the East Oregonian as required as well as provided to landowners in the proposed livestock district area. The next step, if approved today, would be to go to voters in order to formally form the district. Registered voters within the proposed livestock district would be afforded the possibility of voting on the formation. Commissioner Givens asked about the number of electors within the district to which Mr. Olsen noted a total of 166 are registered to vote within that area. An area map was shown on the monitors.

Chair Murdock asked for those in favor (proponents).

Robert Keys, 82478 Salmon Point Lane, Hermiston. He is in support; he has lived there on three acres for 20 years; he has incurred between \$1,500-3,000 damages to fences breached by cattle. Open range is not compatible with developed land. Thus, the petition for a livestock district. If approved, it would relieve his damages and burden of placing and repairing the fence each year. Roaming cattle are a problem. Please consider factors when voters go to polls in May.

Jer Pratton, 33886 Riverview Drive (Hat Rock tracts area). He supports the livestock district; he is familiar with similar situations in other areas. Moved there in 1991 and has seen changes in Hermiston area with a lot of growth; the same is true in Hat Rock and Salmon Point; there are a lot of new homes as well as crops – different uses have come along with changes. A livestock district is good; he agreed with comments pointed out by Mr. Keys. Neighbors need to watch out for their own and others. One owner grazes livestock, but they have fenced their area. He supports agriculture and livestock. He also noted need for responsibility of the owner – fences make good neighbors. In the Hat Rock area, it has worked well. The first year, cattle came in and caused damages, but was taken care of. The Highway 730 area is not fenced and roaming cattle are a problem with increased traffic. He talked about the rights and responsibilities of landowners; supports a livestock district as a neighbor.

Suzanne Keys, Salmon Point. In addition to her husband Bob Keys' comments, the property they own is the furthest west in the development. For 20 years they have repaired fences and take pride in their landscaping and want to maintain the view of the river (north). Electric fencing is a burden to put up and take down during grazing season. Open range is not compatible with their residential area.

Jason Torres, 82650 Salmon Point Lane. As previous folks stated, there's a transition now. Hermiston is growing; new business is coming in and residential lots are for sale on the south side so more housing development is expected. He asked the Board to please consider putting a livestock district to a vote at this time.

Rick Clark and wife, Jeannie, 82637 Salmon Point Lane. They live in the Columbia Ridge subdivision. He is pleased with process to hear and resolve land use decisions. They support the district. They built their home in 2015, which is the newest build. Theirs is the only house at Columbia Ridge (the other is neighboring Salmon Point). The newer area was open range. At the time, they were more intent on building a house and landscaping, but they were aware of open range. Years ago open range made sense; however, with residential lots selling and with all the development that goes with it, the long-term plan is to fill that area with houses, which leads to more taxes/money to the county. A livestock district makes sense in this case.

Mr. Torres had a question/clarification about the map; the light green line and property owner there is CTUIR. Mr. Olsen confirmed the ownership and that notice had been sent.

Chair Murdock called for those in opposition.

Brent Smith, attorney representing Joyce Langley. He pointed out a potentially technical issue about the boundary of the district and how it's described. In the petition it says sections; however, legally the description should be addressed. Livestock district is to fence them in or fence them off. Please consider new homeowners – it is a relatively small burden. However, if cattle get onto roadways, it is a different and potentially dangerous situation. Ms. Langley is concerned with fencing cattle off

homeowners' property. There is the problem of fencing cattle in, which is a larger deal in terms of cost -- which can be a huge burden. She is cooperating with neighbors.

Floyd Turnbull and wife, Jackie, 82602 Salmon Point Lane. He opposes the district; he has lived there 25 years and is well aware it is and has been open range. In 1996, he put up his own temporary electric fence for 4-6 weeks and realizes it is a potential inconvenience. He has allowed other homeowners to take power off his electric fence chargers (the whole eastern portion). In looking at the map, it includes the game preserve, Hat Rock and over to Warehouse Beach, which area is extensively fenced and guarded for livestock. There was a proposal to fence the remaining 1,100 feet but landowners could not come to consensus. He feels it is a punitive attempt to provide fencing to protect property.

Joyce Langley, 126 Hamilton Street, Umatilla. She owns the land not owned by others as referenced on the projected map. She grazes cattle there. The fence in open range is to keep other livestock out. Cattle industry uses open range. She pointed out the difference between country and city living. There has been one incident in 2016. Cattle owners try to be thoughtful neighbors. Her first notice of the livestock district was in the newspaper and a letter from county counsel, Mr. Olsen. She felt neighbors should resolve issue. Cattle are there 6-8 weeks in the spring. Her family has been there since the 1960s. Property owners have always been notified when cattle are released. She asked about other areas with residential vs. cattle grazing areas. She talked about EFU zoning; fencing by residents; reiterated she wants neighbors to work together as they always have. She read petition (to block or not allow livestock district) names: Floyd & Jackie Turnbull, Ken Bonney, Kyla Latham, Kathy & Mike Jewett, Doug & Patricia Fehrenlacher, Aaron & Mary Jane Heideman, Todd Crosby and Allen Hendon. She asked to submit the list of names for the record. **Commissioner Givens moved to enter the names in petition as read by Mrs. Langley, as Exhibit 1. Seconded by Chair Murdock. Carried, 2-0.**

Chair Murdock asked for any rebuttal. There was none. He closed the public hearing at 9:30 a.m.

Deliberation: Chair Murdock summarized it appears there are three options – take materials and testimony in consideration prior to making decision; act today; or deny today. Mr. Olsen agreed. Commissioner Givens asked about livestock producers in the area. Ms. Langley advised she is the only one she knows of. Maybe in the past there might have been someone on the far east side, but she didn't know for sure. Commissioner Givens asked the people petitioning in support if they own any livestock or have livestock on their property? They answered no. Chair Murdock asked about the eastern portion – why is it included? Commissioner Givens asked Ms. Langley where her animals stopped. She responded, no further than Wanekat (game preserve), west of Salmon Point. Mr. Olsen added regarding the statute reference, that a district shall follow boundaries, lakes, rivers, and includes section lines -- all are authorized boundaries of a livestock district.

Chair Murdock expressed appreciation for the good map and testimony. He would like to take a field trip to look at the area before making a decision. **Commissioner Givens moved to continue the hearing until a date after all three Commissioners have had a chance to look at the area, which would be the Board meeting scheduled for 3/21/18 at 9 a.m. Seconded by Chair Murdock. Carried, 2-0.**

2. Tractor Purchase - Maintenance. Mark Tanner, County Facilities Manager, presented. The department is seeking to purchase a tractor. This equipment is needed for jobs throughout the year. Tom Fellows, Public Works Director, has done search for a used tractor; nothing feasible was found. The State contract price from John Deere is the recommended best option and budget is available. **Commissioner Givens moved to approve purchase in the amount of \$21,533.92 from RDO Equipment. Seconded by Chair Murdock. Carried, 2-0.**

3. Grader Purchase. Mr. Fellows, Public Works Director, presented. He is looking to purchase a new grader to replace an older piece of equipment. He is recommending the purchase of a John Deere motor grader from Pape Machinery in the amount of \$174,316.30, using the NJPA contract (including discounts and trade-in). **Commissioner Givens moved to approve. Seconded by Chair Murdock. Carried, 2-0.**
4. Dump Truck Purchase. Mr. Fellows presented. Old equipment is breaking down, thus the need for new truck. The old truck will be sold at auction. Used trucks are not feasible and there is money available in the budget. He requested purchase of a new dump truck from Woodpecker Truck & Equipment using the NJPA contract in the amount of \$37,997.41. **Commissioner Givens moved to approve. Seconded by Chair Murdock. Carried, 2-0.**
5. Weed Control Products Contract. Teddy Orr, Public Works-Weed Control Supervisor, presented. This is to request Board approval of the contract for chemicals for the year; it is a regular, annual program. A request for proposals was issued, and three proposals were received. He pointed that Wilbur Ellis' had a mistake on its pricing, so recommending the next lower proposal from Crop Production Services. In response to Commissioner Givens question about the Helena quote, Mr. Orr advised it was volume based so quotes were different for comparison; he used a calculation to make them equal to compare; the adjusted numbers support Crop Production recommendation of \$19,633.83. **Commissioner Givens moved to approve. Seconded by Chair Murdock. Carried, 2-0.**
6. Weed Board Appointments. Mr. Orr presented. There is a need to update the Weed Board members, with three vacancies. **Commissioner Givens moved to approve Order No. BCC2018-01 (including three new members: George Newman, Amanda Schachtschneider and David Spratling; and one reappointment of Randall Montgomery. Seconded by Chair Murdock. Carried, 2-0.**
7. Position Reclass-Community Corrections. Dale Primmer, County Community Justice Director, presented. Over past several years, there have been multiple changes in the Coordinator position, with additional duties being added including placements, tracked hours, non-compliance, which is compared to work crew supervisor. Over the years, positions have been eliminated with job duties and one individual is left as work crew supervisor, but has taken all other coordinator functions. The request is to update and reclassify into proper position for actual duties. Budget is available. Chair Murdock advised he had prior conversations with Mr. Primmer and had no questions. **Commissioner Givens moved to approve reclassifying the position to "Community Service Coordinator". Seconded by Chair Murdock. Carried, 2-0.**
8. Drug Treatment Services. Mr. Primmer presented. This is the second part of the initial process for treatment services of mentally ill in jail. This would place an individual at the jail to work with those needing service, including assessments/orientation/intake in preparation for jail release and on to other services. The low proposal as a result of a request for proposals was from Community Counseling Solutions (through the biennium ending 6/30/19). Budget is available with funding through a Justice Reinvestment Grant. One more grant will come soon regarding drug court, but that is unrelated to this item. Mentally ill need to have an advocate in the community. Mr. Primmer noted this is a priority to be used through Justice Reinvestment to keep mentally ill people out of prison. He has been looking to fill this service for a long time and it took a lot of creativity in developing it. Chair Murdock added reinvestment has been successful for drug court but not mental health, which is more a priority now that needs to have conversations. In response to Commissioner Givens' question about spending \$125,556 and what if that is not available, what would the housing cost be? Mr. Primmer advised it costs about

\$93 to house in an institution bed compared to \$1,000/day at mental health facility in Salem. **Commissioner Givens moved to approve. Seconded by Chair Murdock. Carried, 2-0.**

9. Year of Wellness. Jim Setzer, UCo Health Director, introduced Meghan Field, AmeriCorps. This would be a campaign in efforts to make the County a place to be healthy, which will focus on communities. Ms. Fields is developing and coordinating the campaign. She talked about the importance of all communities supporting the effort to include a presence in each town including a lot of different wellness events, large and small. Ms. Fields presented a PowerPoint for Board consideration of declaring a year of wellness. **Commissioner Givens moved to approve Order BCC2018-014, “Declaring a Year of Wellness for Umatilla County”.** **Seconded by Chair Murdock. Carried, 2-0.**
10. Sale of Property. Mr. Olsen presented. This is part of foreclosed properties as a result of delinquent taxes that were not purchased at the time of auction. One bid previously was accepted, however, the sale did not close. Therefore, the next highest bid of \$15,000 was from RJB Investments LLC. Pictures of the Milton-Freewater property were projected on the monitor; the Commissioners discussed the deterioration of the house. **Commissioner Givens moved to approve Order BCC2018-012. Seconded by Chair Murdock. Carried, 2-0.**
11. Abatement Contract. Mr. Olsen presented. A request for proposals was issued for the abatement of the dangerous building condition by securing the openings. The recommendation is to go through with a contract with LandMark Contracting LLC to secure the property – Rodeo City Inn. **Commissioner Givens moved to approve the contract for \$15,750. Seconded by Chair Murdock. Carried, 2-0.** A question was posed by Eli Stephens, Umatilla County, about the previous bid of \$1,000 to clean up that area to put outside junk property inside the building(s). Mr. Olsen anticipated that would be put into the contract as well.
12. Building Inspection. Mr. Olsen presented. Property was acquired by the County, located on SE Byers, Pendleton due to delinquent property taxes. Suggestion is to utilize “learn to burn” as an option. But, an asbestos inspection is needed first. **Commissioner Givens moved to approve/authorize asbestos inspection. Seconded by Chair Murdock. Carried, 2-0.** The Commissioners talked about the fire department cleaning up after the burn? Mr. Olsen did not believe so.
13. Employee Commute Authorization. Mr. Olsen presented. This is annual authorization for those using county-owned vehicles to commute to the workplace. **Commissioner Givens moved to approve Order No. BCC2018-007 (for law enforcement purposes) and also to approve Order No. BCC2018-008 (for non-law enforcement positions). Seconded by Chair Murdock. Carried, 2-0. Chair Murdock asked for no less than 30 days’ notice to request for approval that a comprehensive review of all individuals covered by these annual orders and he so moved. Seconded by Commissioner Givens.** Mr. Olsen advised he will email notice to the affected departments in advance. Chair Murdock felt these matters should come before the Board prior to action. Mr. Olsen will plan to revisit this in October 2018. Chair Murdock added the purpose of prior review is to review who is included and why.
14. West Umatilla Mosquito Control Board. Mr. Olsen presented. Russ Pelleberg’s term on the Board expired; reappointment is requested for another term by the WUMC Board. **Commissioner Givens approved Order No. BCC2018-010. Seconded by Chair Murdock. Carried, 2-0.**
15. Compensation Review Committee. Mr. Olsen presented. Under the County Charter, the Board is to annually appoint a committee to review compensation for county elected officials. The committee

would be the same as last year (Tracy Hamby, J. Scott Sager and Steve Williams). **Commissioner Givens moved to adopt Order No. BCC2018-009. Seconded by Chair Murdock. Carried, 2-0.**

16. Contribution Payables. Mr. Olsen presented. This is before the Board for annual contributions of \$10,000 each to two Watershed Councils (Umatilla Basin and Walla Walla Basin) and to the Soil & Water Conservation District. Robert Pahl, CFO, noted the contributions for the last several years have been \$10,000 (many years ago it was \$16,000/each). Commissioner Givens added the annual contribution is used for seed money. Mr. Pahl pointed out the contributions are for Board consideration. **Chair Murdock moved to approve the payables as outlined. Seconded by Commissioner Givens. Carried, 2-0.**

17. Supplemental Budgets – Public Hearing. Chair Murdock called the hearing to order at 10:14 a.m. Staff report was given by Mr. Pahl, CFO. There are eight supplemental budgets to consider; notice was published in EO as required. In summary: Budget Order 2018-31 (General Fund – Milton-Freewater Main Street Building) requires increase in Materials & Services of \$5,000 and decrease in Contingency in the same amount. Order 2018-32 (General Fund – Sam Cook Building) requires increase in Materials & Services of \$5,000 and decrease in Contingency in the same amount. Order 2018-33 (Parks) requires increase in Beginning Balance of \$55,000, Materials & Services of \$5,000, Capital Outlay of \$10,000 and in Contingency of \$40,000. Order 2018-34 (County School) requires increase in Local revenue of \$30,000 and Materials & Services of \$30,000. Order 2018-35 (Records Archiving) requires increases in Capital Outlay of \$25,000 and decrease in Contingency in same amount. Order 2018-36 (EOTEC Reserve) requires increase in Materials & Services of \$25,000 and decrease in Contingency in same amount. Order 2018-37 (Special Projects – NAIFA) requires increase in Beginning Cash Balance of \$5,537 and Materials & Services in same amount. Order 2018-38 (Human Services – SE80 Gambling Prevention) requires increases in Local Revenues \$19,000 and Personnel Services in same amount.

Commissioner Givens asked for clarification regarding Parks item, Order 2018-33; Mr. Pahl explained it is cash carry forward and Mr. Fellows, Public Works Director, requested the allocation. The hearing was closed at 10:19 a.m.

Chair Murdock asked for public comments. There were none.

In the matter approving Supplemental Budgets pursuant to ORS 294.471 for FY ending 6/30/18: Commissioner Givens moved to adopt Budget Order 2018-31 (Program 3510 – Milton-Freewater Main Street Building). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-32 (Program 3511 – Sam Cook Building). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-33 (Program 1005 – Parks). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-34 (Program 2544 – County School). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-35 (Program 3513 – Records Archiving). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-36 (Program 4024 – EOTEC Reserve). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-37 (Program 9055 – NAIFA). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-38 (Program SE80 – Gambling Prevention). Seconded by Chair Murdock. Carried, 2-0.

18. Budget Transfers. Mr. Pahl presented. There are two transfer appropriations orders. Budget Order 2018-39 (Dispatch Reserve) requires increase in Materials & Services \$9,235 and a decrease in Capital Outlay in the same amount. Order 2018-40 (Facility Improvement – Courthouse) requires an increase in Materials & Services of \$5,000 and a decrease in Capital Outlay in the same amount.

In the matter approving Transfer of Appropriations pursuant to ORS 294.463 for FY ending 6/30/18: Commissioner Givens moved to adopt Budget Order 2018-39 (Program 1415 – Dispatch Reserve). Seconded by Chair Murdock. Carried, 2-0.

Commissioner Givens moved to adopt Budget Order 2018-40 (Program 9089 – Courthouse Facility Improvements. Seconded by Chair Murdock. Carried, 2-0.

19. EOTEC Negotiations With the City of Hermiston. This item was added to **officially delay negotiations and final decisions to March 12, 2018 (from March 1st) -- Chair Murdock so moved and noted the purpose is to permit Commissioner Givens time to deal with funding requirements for the Fair building as part of the negotiations. Commissioner Givens seconded. Carried, 2-0.**

Executive Session. None.

Commissioner Reports.

Commissioner Givens reported about a recent phone conference meeting with Oregon Water Resources; they are asking counties to support budget proposal for policy option package of \$1.3 million. The group included three irrigation districts in the Milton-Freewater area; they were willing to support WRD's request and want Umatilla County to support it as well. He is not sure what that includes, at this time. They wanted to be assured that 8 new positions being requested by OWRD are important in the Walla Walla sub-basin; however, OWRD would not commit that is where positions would be located. The group will meet again (another phone conference) will be scheduled in the near future for more discussion with OWRD. He pointed out that other sub-basin areas now want to be involved with those decisions – they want their water rights protected as a longer range mitigation strategy. This is causing some consternation as it is unknown as to what kind of support it will be. In addition, many Tribes would be affected.

Regarding County Fair support, he will be meeting with building manufacturers looking at a separate Fair building at the EOTEC site for staff.

Commissioner Murdock: Yesterday he attended a meeting of the West End Mayors/Managers at the Pheasant Restaurant in Hermiston. There was a lot of positive discussion about development in many communities. Tomorrow he will attend a GOBHI (Behavioral Health) Board meeting in The Dalles to continue discussion of the probationary period of Lifeways and where they are headed (mainly crisis related).

He also pointed out the County's new Economic Development/Tourism Coordinator was present – Gail Nelson. Welcome.

Commissioner Givens added more discussion is needed about involvement by the County to EOCA (Eastern Oregon Counties Association) and perhaps what the group can do to help with water issues. EOCA is a subject all three commissioners need to discuss upon Commissioner Elfering's return in a couple of weeks. Chair Murdock pointed out the need to consider the benefit to the County. He also pointed out a meeting he will attend next week regarding the Workforce Investment Board, which is another entity that needs to be discussed as to its importance of benefit to the county.

The meeting adjourned at 10:30 a.m.

Melinda Slatt, Executive Secretary, Umatilla County Board of Commissioners