

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of June 20, 2018  
9:00 a.m., Room 130, Umatilla County Courthouse  
Pendleton, Oregon

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

**County Counsel:** Doug Olsen

**Members and Guests Present:** Tom Fellows, County Public Works Director; Sgt. John Shafer, Umatilla County Dispatch; Robert Pahl, County Chief Finance Officer; Jennifer Blake, County Human Resources Director; Phil Wright, East Oregonian Reporter.

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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. He noted a point for public input before business items for other than agenda.

**Awards/Correspondence/Recognition.** Commissioner Elfering read a thank you note from Brian Johnson, instructor at Pendleton High School, regarding Student Leadership day at the County on May 22; a great opportunity to learn more about local government. It was unfortunate that we were unable to include state courts this year, due to their busy schedule.

**Minutes of Previous Meeting.** Commissioner Givens moved to approve the minutes of the 6/6/18 Board meeting. Seconded by Commissioner Elfering. Carried, 3-0.

**Additions to Agenda.** None.

**Public input.** 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. None were noted.

**Business Items:**

1. **Asphalt Roller Purchase.** Presented by Tom Fellows, Public Works Director. A requests for proposals was issued for the purchase of a used asphalt roller. RDO submitted a proposal in the amount of \$42,392.33 for a used 2014 Hamm roller; it is recommended for purchase. This equipment is on the previously approved replacement list, 56” roller, under 9,000 lb. range and will replace an older roller (1994). This equipment works well for thin overlays on roads (and parking lots and small projects). **Commissioner Givens moved to approve. Seconded by Commissioner Elfering. Carried, 3-0.**
  
2. **EOCA.** Doug Olsen presented. In 2014, the county joined the Eastern Oregon Counties Association (EOCA). This is before the Board to consider continuing participation or not. Commissioner Givens talked about the history -- he felt the first year there was benefit with forest and grazing issues. He feels lobby experts are helpful, but he is not sure this is relevant to belong any longer. Commissioner

Elfering added he felt their focus is not as helpful as it once was and doesn't see a lot of value out of the leadership. Chair Murdock clarified the County is not withdrawing from Eastern Oregon, just the EOCA. Our County looks different from others with the nature of agriculture, big time data centers, manufacturing – those are relevant issues to Umatilla County. He agreed with Commissioner Givens that, with the exception of PILT (Payment In Lieu of Taxes) lobbying, we have benefit by contact with Senator Wyden who is a national leader on behalf of PILT. Other organizations have PILT focus: NACo, AOC, WIR and Oregon Forest Trust Counties, for example. Commissioner Givens added Umatilla County is working with the Northeast Oregon Water Coalition regarding important water issues; EOCA is not that supportive in this area. He feels it behooves the County to step out of EOCA. In addition, our County over the last two years has had to pay an additional amount for counties that couldn't afford the payments but wanted to continue belonging to EOCA. Umatilla County pays the highest amount of dues (the 2018 invoice is \$14,600 plus an additional \$1,220.69 for unspecified "expenses"). **Commissioner Givens moved to end participation in the EOCA and approve giving the required 90 days' notice to not continue membership in EOCA. Seconded by Commissioner Elfering. Carried, 3-0.**

3. Fee Ordinance Amendment – Public Hearing. Chair Murdock called the public hearing to order at 9:15 a.m. Staff report was presented by Mr. Olsen. The first reading was heard at the 6/6/18 Board meeting. Two fees were added since the first reading and language is now included - page 2, Digital Images under I.T. and on page 4, the sliding fee schedule under Human Services. Otherwise, the ordinance is the same as in the first reading. There were no questions from the Commissioners or the public. Chair Murdock closed the public hearing at 9:16 a.m. **Commissioner Elfering moved to approve and adopt Ordinance No. 2018-02. Commissioner Givens seconded. Carried, 3-0.**
4. Supplemental Budgets. Chair Murdock called the public hearing to order at 9:16 a.m. Robert Pahl, CFO, presented. There is one supplemental budget: Order 2018-80 (General Fund –General County) requires increases in Federal Revenue of \$65,000 and in Materials & Services of \$65,000. There were no questions from the Commissioners or the public. Chair Murdock closed the public hearing at 9:17 a.m. **In the Matter of Approving a Supplemental Budget pursuant to ORS 294.471 for F.Y. ending 6/30/18, Commissioner Elfering moved to approve Budget Order 2018-80 (Program 9001 – General County). Seconded by Commissioner Givens. Carried, 3-0.**
5. Budget Transfers. Mr. Pahl presented. There are six budget transfers: Orders Nos. 2018-76 (General Fund – Emergency Management) requires increase in Materials & Services of \$10,000 and a decrease in Contingency from General County (Program 9001) of the same amount. 2018-77 (Milton-Freewater Facility Improvement) requires increase in Materials & Services of \$4,000 and a decrease in Contingency in same amount. 2018-78 (General Fund-Public Health-Communicable Disease) requires increase in Materials & Services of \$10,000 and a decrease in Contingency from General County (Program 9001) of the same amount. 2018-79 (General Fund-Code Enforcement) requires increase in Materials & Services of \$5,000 and a decrease in Contingency from General County (Program 9001) of the same amount. 2018-81 (CARE Program) requires increase in Personnel Services of \$20,000 and a decrease in Contingency in the same amount. 2018-82 (Economic Development) requires a decrease in Personnel Services of \$10,000 and an increase in Materials & Services of the same amount.

**In the matter approving Transfers of Appropriations pursuant to ORS 294.463 for FY ending 6/30/18: Commissioner Elfering moved to adopt Budget Order 2018-76 (Program 4032 – Emergency Management). Seconded by Commissioner Givens. Carried, 3-0. Commissioner Elfering moved to adopt Budget Order 2018-77 (Program 9088 – Milton-Freewater Facility Improvements). Seconded by Commissioner Givens. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-78 (Program 5513 – Communicable Disease). Seconded by Commissioner Givens. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-79 (Program 4056 – Code Enforcement/Planning). Seconded by Commissioner Givens. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-81 (Program 5234 – CARE Program). Seconded by Commissioner Givens. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-82 (Program 1029 – Economic Development). Seconded by Commissioner Givens. Carried, 3-0.**

6. Election Results. Mr. Olsen advised the results of the 5/15/18 primary election (two Commissioner races and Extension Service) are presented for review and acceptance. **Commissioner Elfering moved to approve/accept the election results and authorize Chair to sign the letter. Commissioner Givens seconded. Carried, 3-0.**
  
7. Salmon Point Livestock District. Mr. Olsen presented. An election was held on April 17, 2018 for a vote on formation of this livestock district – 43 voted against and 23 voted in favor. Therefore, due to the results, the matter is before the Board for formal denial of the petition for formation. **Commissioner Elfering moved to adopt Order No. BCC2018-048. Seconded by Commissioner Givens. Carried, 3-0.**
  
8. Eurus Grants. The Eurus Community Benefit Committee has recommended its grants for 2017 (Milton-Freewater Golf Club = \$3,000 to remove asphalt and center; and Milton-Freewater Area Historical Society = \$7,500 for Frazier Farmstead restroom design). **Commissioner Givens moved to adopt Order No. BCC2018-047. Seconded by Commissioner Elfering. Carried, 3-0.**
  
9. STIF Program. Mr. Olsen presented. At the 3/20/18 joint Board meeting with Morrow County action was taken to form a joint committee for the new Special Transportation Improvement Fund program. However, at this time, Morrow County has opted to form its own committee. Chair Murdock called on Commissioner Elfering to report from recent meetings. After some meetings in the last couple of months and Morrow County’s decision, conversations with Tribes representatives and further consideration, it is recommended the best plan is to form Umatilla County’s own advisory committee and to serve as the administrative coordinator for STIF. Commissioner Givens agreed as did Chair Murdock, who added it would streamline the operation. **Commissioner Elfering moved to proceed to form Umatilla County’s own committee to oversee a program for Umatilla County. Seconded by Commissioner Givens. Carried, 3-0.**

Chair Murdock asked, for the future, will a procedure be announced as to how to proceed/administer? Commissioner Elfering responded the State directs the process – it will be a task of a newly formed advisory committee to set priorities and make recommendations to the Board of Commissioners. There are suggested backgrounds for members on advisory committees. Commissioner Givens strongly urged that CFO, Robert Pahl, serve on the committee. Chair Murdock asked if there will be a proposal regarding the STIF committee presented for Board action? Commissioner Elfering responded there will be a proposal probably at the next Board meeting.

Mr. Olsen advised the statute requires at least five members and three categories at least (senior/disabled, low income and transit provider) and other categories. Mr. Olsen added that an application will be created and made available for Board consideration as well as other initial items. Commissioner Elfering advised that Bob Waldher, County Planning Director, is heading the effort to create required committee.

**10. Community Service Fee.** Mr. Olsen presented two orders for consideration. Part of the Strategic Investment Program includes a portion of the exempted taxes to be paid in a Community Service Fee, up to \$500,000. In this case, the districts for some time have been trying to come up with an agreement for distribution of fees from the Vadata projects. The districts are in agreement that the fee should be split equally between the two tax code areas – and then within the code areas, that portion would be distributed on the appropriate tax rate. In one code there are six special districts and the County has proposed (as it has with past CSFs) to not retain its share, and to distribute among the other six districts (in Tax Code Area 08-03). In Tax Code Area 06-01, the County wants the same distribution to the six special districts; however, the City of Umatilla is also involved in this area. The City of Umatilla would receive its portion based on its tax rate, but would not receive any portion of what would have gone to the County. This is for a recommendation is that will go to the Oregon Business Development Commission for approval. The OBDC has requested local government input. In this case, the commission can take into consideration what was agreed to by local governments, but it is not bound by it. The Commission will probably act on this at its July meeting.

Chair Murdock pointed out the City of Umatilla’s suggestion to the special districts that they approach the County about the fee distribution and then the City of Umatilla is not willing to change its approach. Mr. Olsen pointed out statute sets out the method of distribution is by tax code area. Commissioner Givens added it appears the City of Umatilla doesn’t want to follow that statute. Mr. Olsen responded yes, that is correct. Commissioner Elfering asked about the City of Umatilla – are they only in one tax code? Mr. Olsen responded yes. **Commissioner Elfering moved to adopt Order BCC2018-049 – regarding Tax Code Area 08-03 allocation. Seconded by Commissioner Givens. Carried, 3-0. Commissioner Elfering moved to adopt Order BCC2018-050 regarding Tax Code Area 06-01 allocation. Seconded by Commissioner Givens. Carried, 3-0.**

There was no executive session.

Commissioner Reports - none today.

Board schedule – was previously approved on 4/17, to move/reset the first meeting in July (the 4<sup>th</sup>, Independence Day holiday) to July 3. It was confirmed by Mr. Olsen.

Commissioner Elfering talked about PILT and class action lawsuit; he participated in conference call yesterday. Congress was required to distribute in a specified process. An Arizona county first brought claim and won the lawsuit – the judge then declared it is a class action. Umatilla County is eligible to join the class action suit – he spelled out distribution – noting it amounts to about \$41,324 for unpaid share from the Department of Interior to Uma County. If the County joins the suit, it would be a 33% fee, which amounts to \$13,600 – net to the county of \$28,000. We have until early September (9/14) to join or not join – in the meantime the federal government may just agree to pay it any way. Thus, Umatilla County potentially may receive \$41,324. There is no compelling reason to rush into the lawsuit. Mr. Olsen suggested waiting until sometime in August to move forward.

The meeting adjourned at 9:36 a.m.

Respectfully submitted,

*Melinda Slatt*

Executive Secretary, Umatilla County Board of Commissioners