

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of March 15, 2023
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

Commissioners Present: Chair Dan Dorrان, Vice-Chair John Shafer, and Commissioner Timmons
County Counsel Doug Olsen

Guests Present: Paul Wolverton, Umatilla County Criminal Captain, Josh Roberts, Umatilla County Criminal Lieutenant, Erik Palmer, Umatilla County Criminal Deputy, Mark Tanner, Umatilla County Maintenance Manager, LG Bullock, Umatilla Public Works Manager, Gina Miller, Umatilla County Code Enforcement Officer, Undersheriff Littlefield, Robert Waldher, Umatilla County Community Development Director, Rachael Reynolds, Umatilla County A&T Director, Dave Stockdale, City of Umatilla Manager, Jesalyn Cole, Executive Director of Stepping Stones, Kevin Miracle, District Manager of SD Disposal, Mike McHenry, Chair for SWAC, Thomas Beechinor, Private Landowner, David and Kath Messinger, Pikes Peace land owner, Mike Bachtold, Pike Peak land owner, Dwayne Delay, Norma Burnam, Daniel Burnam

Video link or Calling in:

CALL TO ORDER: Chair Dorrان called the meeting to order at 9:00 a.m. He reminded all that the meeting is a public forum and there is a call-in option provided. There is time on the agenda to provide input (or for hearings) to provide comment. The meeting is being video and audio recorded and minutes will be taken. Also, meetings are now live-streaming. Comments will become part of the meeting record. If persons wish to speak before the Board, please identify yourself and state where you live in order to be heard on the record – also note if you are speaking on behalf of others.

Pledge of Allegiance was led by Chair Dorrان

Awards/Correspondence/Recognitions. Commissioner Dorrان - Battle of the Books program with the Kiwanis group, recap of the five books, took second place, great for kids in the Hermiston School District, started by a teacher in Hermiston

Minutes – Commissioner Shafer moved to approve the minutes from the 03/01/2023 and 3/10/2023 Board meeting. Seconded by Commissioner Timmons. Carried, 3-0.

Additions to Agenda – None.

Public Comments and Recognition of Visitors This is the time for public input for anything not on the regular agenda. None were heard.

Business Items

1. Sanitary Service Rate Increase – Presented by Gina Miller, Community Development Code Enforcement and Kevin Miracle, District Manager Sanitary Disposal. The submitted rate increase request for Sanitary Disposal is presented to the board to vote on the proposed rate increase or vote to deny the rate increase request. Waste Connections of Oregon, Inc dba Sanitary Disposal has submitted a request for an up to 12.42% rate increase to be effective April 1, 2023. The SWAC met on January 17, 2023 and voted to recommend the rate increase request to the Board for final approval. All Commissioner wanted to get some more information regarding the proposal and will schedule a meeting with Kevin Miracle and Mike McHenry. **Commissioner Dorrn moved to have more conversation before a decision was made and to table the matter. Seconded by Commissioner Timmons. Carried, 3-0**

2. PATH Project Update - Presented by David Stockdale, City Manager, City of Umatilla; Justilyn Coles, Executive Director Stepping Stones Alliance. A presentation was made on the updates to the PATH Project, including materials to construct 25 Huts were donated by the Church of Jesus Christ of Latter-Day Saints, a navigation center was donated, a sleep center has been purchased and is awaiting delivery, and shower units were purchased. The facility is temporarily housed and is open for use. The number of guests was provided. The guests are primarily county residents with maybe one or two non county residents. They get this information when they are being intake into the facility. Commissioners applauded the hard work that is being done on this project and appreciated the update.

3. Planning Division Authorization - Presented Robert Waldher, Community Development Director. Approval is sought to authorize the planning division manager to have the power and duty to enforce the provisions of the Umatilla County Development Code. The recent reorganization of the Planning Department resulted in the creation of a planning division manager and community development director. The title of “planning director” is no longer applicable. Therefore, the community development director is requesting that the Board of Commissioners appoint the planning division manager to have the power and duty to enforce the provisions of the Umatilla County Development Code. The authority of planning division manager will include administration of the Umatilla County Development Code, signing of plats and findings, and the ability to assign planning staff as authorized agents for processing land use applications. This request also includes identifying the lead senior planner as having the authority to sign findings and plats in the absence of the planning division manager. **Commissioner Timmons moved to authorize the planning division manager to have the power and duty to enforce the provisions of the Umatilla County Development Code. Seconded by Commissioner Shafer. Carried, 3-0.**

4. Sheriff Office Vehicle Repair - Presented by Josh Roberts, UCSO Criminal Lieutenant. Approval is sought for Zimmerman’s Auto Body to continue with repairs for an estimated cost of \$5,535.65. The vehicle was damaged during a vehicle pursuit on 1/28/2023. Initial estimates were received from body repair shops, and Zimmerman’s in Athena was chosen to conduct the repair. The estimate at that time was under \$5000, but on 3/9/2023 received information from Zimmerman’s that additional damage was discovered upon starting the repair. The new estimate for total cost is \$5,535.65. Zimmerman’s has most of the parts in stock already and can begin repair immediately upon approval. This vehicle is needed in the fleet, thus its return to service is a priority. **Commissioner Shafer moved to approve the repairs as outlined. Seconded by Commissioner Timmons. Carried, 3-0.**

5. Crime Property Ordinance Amendment- Public Hearing - Chair Dorran opened the public hearing at 9:41 a.m. Presented by Doug Olsen, County Counsel. The Sheriff's Office is requesting amendments to the County Crime Property Ordinance. The amendments expand the list of activity that would fall within the application of the ordinance, and also include activity within 400 feet of the property. The amendments are before the Board for a first reading. The second reading was requested to be at the Board of Commissioners meeting on April 5th, 2023. Chair Dorran asked for public comments or questions. There were none. Chair Dorran closed the public hearing at 9:43 a.m. **Commissioner Shafer moved to have the second reading of Ordinance No. 2023-03 to be at Board of Commissioners meeting on April 5th, 2023. Seconded by Commissioner Timmons. Carried, 3-0.**
6. Camera Purchase - Presented by Josh Roberts, UCSO Criminal Lieutenant. Approval is sought for the purchase of thirteen WatchGuard V300 body cameras from Motorola Solutions for a total cost of \$15,470. On March 10, 2023 UCSO was awarded a grant from City County Insurance (CIS) for \$15,000 for the purchase of body worn cameras. UCSO currently uses WatchGuard V300 cameras from Motorola Solutions for its body worn camera program. The grant from CIS will allow us to expand the V300 camera program so all patrol deputies will be outfitted with the most up to date body worn camera system. The cost for each V300 camera is \$1,190. The current cameras will be transferred over for jail staff to wear. \$470 will be out of general funds. **Commissioner Shafer moved to approve purchase as outlined. Seconded by Commissioner Timmons. Carried, 3-0.**
7. Shipping Container Purchase - Presented by Mark Tanner, Umatilla County Maintenance Manager. Approval is sought for the purchase of three storage units from NW Container Services for \$11,500. The shipping/storage containers will be placed at Stafford Hansell Government Center for court files currently stored at the depot. The files are to be scanned and need to be closer to staff and electricity. Three containers are proposed to be purchased - one 40 feet, and two 20 feet. The price includes delivery. **Commissioner Shafer moved to approve purchase as outlined. Seconded by Commissioner Timmons. Carried, 3-0.**
8. Justice Center Makeup Air Units - Presented by Mark Tanner, Umatilla County Maintenance Manager. Approval is sought for the issuance of request for proposal for replacement of two make up air units at the Justice Center. **Commissioner Shafer moved to authorize the issuance of request for proposals for makeup air unit replacement at the Justice Center. Seconded by Commissioner Timmons. Carried, 3-0.**
9. Hansell Government Center Controls - Presented by Mark Tanner, Umatilla County Maintenance Manager. Authorization is sought to issue a request for proposals for replacement of network building controls at the Stafford Hansell Government Center. This will be a web based app. **Commissioner Timmons moved to authorize the issuance of request for proposals for controls replacements at the Stafford Hansell Government Center. Seconded by Commissioner Shafer. Carried, 3-0.**
10. Elevator Maintenance Payable - Presented by Marek Tanner. Approval is sought for a payable to Otis Elevator Co. in the amount of \$8,500 for the elevator at the Stafford Hansell Government Center. This is a routine expense and is budgeted. The payable is before the Board for approval due to the amount. **Commissioner Shafer moved to approve the payable. Seconded by Commissioner Timmons. Carried, 3-0.**

11. Maintenance Payable - Presented by Mark Tanner, Umatilla County Maintenance Manager. Approval is sought for a payable to Jones Excavation in the amount of \$5,730.50 for sidewalk repairs for the Milton-Freewater Broadway building. The section that is not being updated is on the list for the next budget cycle. The payable is before the Board for approval due to the amount. **Commissioner Timmons moved to approve the payable. Seconded by Commissioner Shafer. Carried, 3-0.**
12. Elections Payable - Presented by Dan Lonai, Umatilla County Administrative Services Director. Approval is sought for a payable to CENVEO in the amount of \$10,899. This is for ballot envelopes for the upcoming election. This is a yearly routine expense for conducting an election, and has been budgeted. This is about 150,000 envelopes and will last about two elections. **Commissioner Timmons moved to approve the payable. Seconded by Commissioner Shafer. Carried, 3-0.**
13. Culvert Pipe Purchase - Presented by LG Bullock Umatilla County Public Works. Approval is sought for payment of \$19,188 to CONTECH engineered Solutions. Public Works had a culvert pipe failure in Walls Road and required order of culvert pipe right away to keep road open. This culvert is not a normal size so we contacted the supplier we have had the best luck with supplying us in the past. We received a quote from CONTECH for \$19,188 for the culvert delivered to Umatilla County in four days from the order date. **Commissioner Shafer moved to approve payment as outlined. Seconded by Commissioner Timmons. Carried, 3-0.**
14. Gate Permit - Presented by Doug Olsen, County Counsel. Approval is sought for the placement of gates on public roads. The County received an application from property owners for the installation of gates on Pike's Peak Road and Mormon Grade Road, at the state line location. These are Public Roads, not maintained by the county. All of the impacted property owners have signed or consented to the application for a permit. The Public Works Director is recommending the Board approve the request. Thomas Beecher, who is a property owner on Pikes Peak and the main proponent, expressed some concerns that have happened lately on his and surrounding properties. Equipment and structures being vandalized, people having bonfires, furniture and garbage dumped along the road, people coming onto private property. Key for gates will be determined among homeowners. All landowners were made aware of the gates. **Commissioner Shafer moved to approve application for the placement of gates on Pike's Peak Road and Mormon Grade Road and sign permit. Seconded by Commissioner Timmons. Carried, 3-0.**
15. Software Payable - A&T - Presented by Rachael Reynolds, Umatilla county A&T director. Approval is sought for the payable to Helion Software in the amount of \$9,500 for the software for efilng of personal property returns. **Commissioner Timmons moved to approve payable to Helion Software. Seconded by Commissioner Shafer. Carried, 3-0.**
16. License Purchase - A&T - Presented by Rachael Reynolds, Umatilla County Assessment and Taxation Director. Approval is sought for the purchase of the ESRI Advanced License in the amount of \$15,400. The GIS department is bringing on two additional staff members that will need ESRI licenses. As the data layers get more complex the GIS staff needs an Advanced License to perform this type of mapping. The cost of the Advanced License is \$15,400.00. **Commissioner Shafer moved to approve purchase as outlined. Seconded by Commissioner Timmons. Carried, 3-0.**
17. Data System Payment - Public Health- Presented by Joseph Fiumara, Umatilla County Public Health Director. Approval is sought for the Year 2 Annual payment for HSCLoud Suite for \$5,000. Last year Public Health started implementing the data system to modernization their Septic System database. Public Health continues to move through this process, and expect to launch the system in

the coming months. Payment is for the annual support and maintenance for the software. Funds to support this are coming from PH Modernization. **Commissioner Shafer moved to approve purchase as outlined. Seconded by Commissioner Timmons. Carried, 3-0.**

18. Emergency Kits Purchases - Presented by Joseph Fiumara, Umatilla County Public Health Director. Approval is sought for the purchase of items for the PHEPR kits at a combined cost of \$24,444. The PHEPR Program (Public Health Emergency Preparedness and Response Program) is putting together emergency kits that include the attached items. These items would be bundled into kits and handed out to community members at events. The intent is to get people thinking about what items they may have a need for in the event of an emergency, while providing usable items for promotion. This activity was in the submitted work plans and funding is being provided by OHA through the PHEPR and PH Modernization Program elements. No general funds are being used on this project. These items will include the public health logo. **Commissioner Timmons moved to approve purchase as outlined. Seconded by Commissioner Shafer. Carried, 3-0.**
19. Property Sale - Presented by Doug Olsen, County Counsel. Approval is sought for the sale of property foreclosed on for delinquent property tax. The property is an unimproved lot in Pendleton. The property did not sell at the May 2, 2022 auction and the property has been available for sale. A bid was recently received to purchase the property. The amount exceeds the minimum bid amount and is before the Board for approval. **Commissioner Shafer moved to adopt Order No. BCC2023-012. Seconded by Commissioner Timmons. Carried, 3-0.**
20. Civil Rights Program - Presented by Doug Olsen, County Counsel. Approval is sought for the consideration and adoption of ADA personnel policy. Umatilla County has had an adopted ADA personnel policy for a number of years. Due to requirements to receive federal funding, the county must have a plan adopted to prohibit discrimination against a qualified individual on the basis of disability, under Title VI or the ADA applicable to all of its federally assisted programs, not just employment. The plan is before the Board for consideration and adoption. **Commissioner Shafer moved to adopt Order No. BCC2023-011. Seconded by Commissioner Timmons. Carried, 3-0.**
21. Limited English Proficiency Plan - Presented by Doug Olsen, County Counsel. Approval is sought for the consideration and adoption of a Limited English Proficiency Plan. Due to requirements to receive federal funding, the county must have a Limited English Proficiency Plan adopted to identify the need and steps necessary so that those with limited English can have access to county programs that are federally funded. Based off of the census 8.6% of the population speaks English less than very well. The plan is before the Board for consideration and adoption. **Commissioner Timmons moved to adopt Order No. BCC2023-014. Seconded by Commissioner Shafer. Carried, 3-0.**
22. Nondiscrimination Policy - Presented by Doug Olsen, County Counsel. Approval is sought for the consideration and adoption of a nondiscrimination policy. Umatilla County has had an adopted nondiscrimination personnel policy for a number of years. Due to requirements to receive federal funding, the county must have a nondiscrimination policy prohibiting discrimination on the basis of disability, applicable to all of its federally assisted programs, not just employment. The policy is before the Board for consideration and adoption. **Commissioner Shafer moved to adopt Order No. BCC2023-010. Seconded by Commissioner Timmons. Carried, 3-0.**

23. Agape House Purchases - Presented by County Counsel. Approval is sought for the purchase of two refrigerators and two freezers from Webstaurant Store in the amount of \$21,748. Approval is also sought for the purchase of 78 plastic storage bins from IPL Macro Plastics in the amount of \$9,866. Included in the Community Development Block Grant for the Agape House, were funds to purchase refrigerators, freezers, reusable bulk containers and plastic bins. Quotes have been obtained for these items and the matter is before the Board to authorize the purchases. **Commissioner Timmons moved to authorize the purchase of two refrigerators and two freezers from Webstaurant Store in the amount of \$21,748. Seconded by Commissioner Shafer. Carried, 3-0. Commissioner Timmons moved to authorize the purchase of 78 plastic storage bins from ILP Macro Plastics in the amount of \$9,866. Seconded by Commissioner Shafer. Carried, 3-0.**
24. Purchase Contract- Fiberglass Pipe - Presented by Doug Olsen, County Counsel. This is for the approval of notice of intent to award the contract for purchase of fiberglass pipe to Future Pipe Industries in the amount of \$5,417,590.00. The County issued an Invitation to Bid for the purchase of fiberglass pipe for the Central Pipeline project. Two bids were received: Future Pipe - \$5,417,590; Thompson Pipeline Group - \$6,840,497 The recommendation is to award the contract to the lower bid. **Commissioner Shafer moved to approve notice of intent to award contract for purchase of fiberglass pipe to Future Pipe Industries. Seconded by Commissioner Timmons. Carried, 3-0.**
25. Purchase Contract- Pipeline Pumps & Motors - Presented by Doug Olsen, County Counsel. Approval of notice intent to award contract is sought for purchase of pumps and motors to Pasco Machine Company in the amount of \$1,848,762. The County issued an Invitation to Bid for the purchase of pumps and motors for the Central Pipeline project. Three bids were received: HD Fowler Company - \$1,218,472.50; Pasco Machine - \$1,848,762; Unit Process Company - \$2,736,295 After a review of the bids by the consultants and staff, the recommendation is to award the contract to Pasco Machine. The lowest bid did not include bids for all required items, so is not responsive. **Commissioner Shafer moved to approve notice of intent to award contract for purchase of pumps and motors to Pasco Machine Company. Seconded by Commissioner Timmons. Carried, 3-0.**
26. General Contractor Request for Proposals - Presented by Doug Olsen, County Counsel. Approval is sought to authorize issuance of a request for proposals for a general contractor. The Central Pipeline project is at the stage to seek a general contractor for the construction of the pipeline. Materials are on order and the design is progressing. The request for proposals is being drafted and is ready to be released on the approval of the Board. **Commissioner Shafer moved to authorize an issuance of request for proposals for a general contractor. Seconded by Commissioner Timmons. Carried, 3-0.**
27. Executive Session – none.

Chair Dorran allowed for public comment at the end of the meeting.

Dwayne Delay - Lives in Umatilla County, talked with Mr. Olsen last Thursday about the county solid waste and code enforcement program. Mr. Delay lives up on the mountain. The code enforcement officer went up on his property past the no trespassing sign and allegedly hit his dog and left the dog bleeding with a three inch scar, dog went up to the house and the code enforcement officer got in her car and drove off. He already went to court 8 to 10 years ago about the same items. State of Oregon said that I have rights to have the cars that are registered through Oregon, have vehicles on property for high schoolers to work on

the cars and have done property cleanup for him. The objects behind his barn had become dump zone for public, that he has tried to clean up behind.

Norman Burnam - Property owner in Umatilla County. She has a home sites has some permits and has ran into a lot of opposition and pushback. Amazon had moved the road when they paved it. It is completely on her property and it was supposed to be 50 to 50, would like compensation for the property that they have taken from her. Code enforcement came onto property without announcement, off out on the pasture area off of the road right away, was asked to leave multiple times she refused to leave she then left and came back with sheriff deputy. This was about a year ago. She believes that the county is using code enforcement to weaponized the county resident and harass residents, violating people rights, using it to delay permits. She has permits from EPA to put a new septic system in, delayed tactics because they have plans to take her land. Umatilla Electric has towers on her property

Daniel Burnam- 7801 Cottonwood Bend Road, Hermiston, Oregon. He has a vested interested in that same property, we jointly own her property. Came home one day and had code enforcement was driving off of the road and onto the easement, driving off the road down by the river, unmarked vehicle, stopped the officer and wasn't very great about it. Violated civil rights to his property, code enforcement drove past property signs, code enforcement refused to leave, demanded that I move my car, stopped at mothers property and started to take pictures. Three months prior to that tax people came out to property, I understand taking pictures but going out back and taking pictures of everything that I own and that lady also called the police and harassed me and made me not leave my residence so that there were was no altercation, stayed in house, she drove around property taking pictures. This has to stop, you can't violate people property rights, and come onto marked private property.

Commissioner Reports:

Commissioner Shafer: None

Commissioner Dorran: None

Commissioner Timmons: None

Meeting adjourned by Comm. Dorran at 10:20 a.m.

Lori Smith

Executive Secretary – Board of Commissioners