

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS

Meeting of January 6, 2021
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon
Public Call in #: 541-728-0275

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Commissioner Present: Chair John Shafer
Commissioners attending remotely: Vice-Chair George Murdock and Commissioner Dan Dorrان
County Counsel: Doug Olsen - absent

Guests Present: Stephanie Barnett, Human Resources-Payroll & Benefits Administrator

Guests by Video or Calling in: Bob Waldher, Planning Director; Jennifer Blake, Human Resources Director; Robert Pahl, Chief Finance Officer; Dan Lonai, Administrative Services Director; Gail Nelson, Economic Development & Tourism Coordinator + *video link and call-in sheets, on file.*

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CALL TO ORDER: Chair Shafer 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. The meeting 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 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. He noted there is a point for public input before business items for other than agenda items.

Pledge of Allegiance

Awards/Correspondence/Recognition. Employee of the Quarter. Congratulations to Stephanie Barnett, H.R. payroll & benefits administrator. Chair Shafer read the nomination letter from her peers and presented her with a certificate. She is also awarded with 8 hours' paid-time-off and a reserved parking spot at the courthouse for the quarter. A photo was taken.

Minutes – Commissioner Dorrان moved to accept the Board minutes from the meeting of 12/02/20. Seconded by Commissioner Murdock. Carried, 3-0.

Additions to Agenda

Public Comments – Sarah Wilcox, 2195 E Beatrice Ave., Hermiston (calling in). Chair Shafer advised he met her outside the courthouse since board meetings are closed to the public in-person, and asked her to leave the letter with security, for the record. She read a letter commenting about the slogan on the county website – to serve the citizens efficiently & effectively. Citizens are hard impacted by COVID – virus is real; but Governor Brown's handling of the pandemic is breaking constitutional laws. She cited rules and read pertinent pieces. Legislature has not met and the Governor may not lawfully act. Chair Shafer acknowledged her time and will review comments as will the other commissioners.

Business Items

1. Election of 2021 Board officers. Presented by Chair Shafer. Order No. BCC2021-001 proposes Chair is George Murdock and himself as Vice Chair. **Motion was made by Commissioner Murdock to adopt Order No. BCC2021-001. Seconded by Commissioner Dorran. Prior to the vote, he moved to divide the question. 1) for Chair and 2) for Vice Chair. There was no debate. No second was made. Motion died for lack of second.** Discussion: Dorran commented – Umatilla County is and has been under Home Rule Charter since 1993. He reviewed supporting documents and procedures for conduct of Board of Commissioner meetings. He read Section 4, Meetings (1) from Umatilla County Home Rule Charter and then referenced and read into the meeting Section 1, Board of Organization, along with 1.010 and 1.010.1 from the document titled Procedures for the conduct of Meetings of the Board of Commissioners. At the first regular meeting, designation is made of chair and of vice-chair. It is designated with expectation of rotation. He has raised the question previously. He noted anomalies and irregularities of officer rotations. There have been freshman commissioners moving into officer positions. Commissioner positions are numbers 1, 2, 3 – rotation has been simple and effective for conduct and procedures. He also objected regarding disproportionate geographic consideration for the west end of the county – which he represents. He is the position #3 commissioner. His objections have gone without response from either of the other commissioners. He reiterated rules/procedures – there was path to get to the same end. A choice seems to have been made for two current commissioners to hold positions of power until they leave office.

Commissioner Murdock advised he had prepared a statement, but only highlighted some comments at the meeting and will submit the entire statement for the record. With continued references to the County Charter, he finds no reference to geographical representation. All commissioners serve at large and represent the entire county. He feels it is divisive at the first meeting of the year and he took exception to the comment that the west end is being left out – he listed work with the City of Hermiston including the water tower for additional development, Echo flooding, and etc. He also noted that Commissioner Shafer was a resident of Athena when he was voted in as Chair. Also regarding Commissioner Dorran’s comments about the City of Pendleton --didn’t have a representative for 6+ years (since Emile Holeman). The entire county is represented. He doesn’t want east-west side divisiveness to continue. He also explained regarding prior Commissioner Elfering (a Hermiston resident) – he was voted in as Chair in 2019 and then stepped down in April of that year due to medical reasons. Commissioner Shafer reluctantly took office of vice-chair to fill that term.

Commissioner Shafer also drafted comments and provided highlights. 1) Regarding Commissioner Dorran’s comment about freshman commissioner in officer rotation – he moved up to vice-chair in April 2019 since Commissioner Elfering was not able to serve and asked to step down. 2) He also noted no reference of geographic representation in the charter -- only thing is residency of three commissioners has been spread out in three areas. Also to Commissioner Dorran’s comment about “representation” – there was no commissioner from Pendleton for 6 1/2 years – until Commissioner Murdock came into office.

Motion for Adoption of Order No. BCC2021-001 was Carried, 2-1. Opposed by Commissioner Dorran.

2. Commissioner Assignments. Presented by Vice-Chair Shafer. He read each commissioner’s liaison department assignments and community benefit plans assignments. **Motion was made by**

Commissioner Shafer to approve as presented. Seconded by Commissioner Murdock. Comments by Commissioner Dorran. He requested to be included in his areas, (1) energy and renewables to natural resources and (2) transportation to Public Works. And he would like to be the alternate to CDA. He accepted amendments and advised he got a response from county counsel in writing; his concerns were addressed. Commissioner Shafer noted Gail Nelson, Economic Development & Tourism Coordinator, is to retain her role as alternate – he wanted her institutional knowledge and also economic development expertise is important. The CDA position was taken care of. Commissioner Dorran noted he wasn't part of that vote. Commissioner Shafer advised it was voted on at the 12/16/20 Board meeting. Commissioner Murdock felt the concerns of 1 and 2 were handled. With respect to the CDA alternate, he addressed that with counsel as a legal question – which was already handled. Commissioner Dorran agreed to the comments and removed his question.

Motion was made again by Commissioner Shafer to approve the full list. Commissioner Dorran seconded, and then added as a request for amendment transportation added to public works and energy & renewable energy to natural resources. Shafer agreed to amended motion. Carried, 3-0.

3. Land Use/Development Code Amendment – Public Hearing. Vice-Chair Shafer called the public hearing to order at 9:44 a.m. and gave the opening statement. This is to update the Development Code incorporating an opportunity to create parcels to accommodate utility facilities necessary for public service.

Bob Waldher, Planning Director, gave the staff report. Application was submitted by Umatilla Electric Co-Op for text changes. He gave background. He noted the applicant and consultant are available on-line for questions. SB 408 legislation created a pathway for providers of utility facilities to request the change in local development code. This change would allow for the creation of smaller parcels in EFU zone solely for the purpose of utility facilities. He also reiterated criteria for approval. Hearings have been held as required and the recommendation of the Planning Commission is to approve the code amendment.

Chair Shafer then asked for other questions. With none heard, he read a statement regarding criteria and questions on any issues.

Vice-Chair Shafer called for proponents, applicant or others that wanted to testify.

On behalf of Applicant (UEC): Tommy Brooks, attorney for UEC, Portland, OR. He highlighted the purpose and implication of the code change. Utilities have benefit of non-farm use in a farm zone; however, smaller parcels were not available to utilities. A substation needs to own underlying proper and takes up more space; limitation of acreage is mismatched with use allowable in a farm zone. The basic need is for small parcels and a code change is needed to do this. It doesn't change the kinds of uses in farm zone or limit it – it is just for that parcel specifically. They will take a small piece and leave the rest for farm uses allowed. There are no unintended consequences. Others are available for questions; none were heard.

Vice-Chair Shafer asked for any in opposition. There were none. Nor were there questions from the Commissioners. He then asked for comments from public agencies; none were heard. And, Mr. Waldher noted none were received by his office. Therefore, no rebuttal was needed. Finally, with no requests for continuance to keep the record open, Vice-Chair Shafer closed the hearing @ 9:55 a.m.

Commissioner Dorran acknowledged the concise presentation and **he moved to adopt Ordinance No. 2021-01 (Amending the county development code to revise permitting process for creation of parcels to Support Utility Facilities Necessary for Public Service). Seconded by Commissioner Murdock. Carried, 3-0.**

4. Audit Presentation. Presented by Cameron Anderson, CPA, Barnett Moro, 495 E Main, Hermiston. This is for 6/30/2020 financial statements. The audit was completed and submitted to the state with opinions that statements are materially clean with no significant findings/no federal findings. He appreciated Robert Pahl and Finance office staff assistance where most work was done virtually. Commissioner Murdock noted he and Mr. Pahl participated in the exit audit with Mr. Anderson and he was very satisfied with the results. The county's integrity of financial condition was noted and the formal letter was accepted from Mr. Anderson. There were no other questions. **Motion was made by Commissioner Murdock to accept the audit. He also thanked Mr. Anderson's historical perspective in the auditing process as beneficial to the county. Seconded by Commissioner Dorran. He also echoed positive comments of all. Carried, 3-0.**
5. Public Health Payable. Presented by Commissioner Shafer. Approval is sought for a payable for advertising to Diamante. This is mainly for education promotion (per Joe Fiumara, UCo Health Director). It is targeted to Spanish speaking audience with sponsorship of program spots for questions and answers. It works as a platform to call in and share experiences related to COVID and health concerns. Funds come from the COVID response dollars from the state – most originated from the federal government CARES package. Commissioner Shafer clarified no general fund dollars are to be used for this. Mr. Fiumara agreed that is correct. **Motion was made by Commissioner Murdock to approve payable in the amount of \$12,000. Seconded by Commissioner Dorran. Carried, 3-0.**
6. Emergency Declaration. Presented by Commissioner Murdock. This request is for a 60 day extension of the emergency declaration due to the COVID pandemic. The declaration provides for authority primarily related to financial expenditures and other actions needed to respond to the pandemic. Commissioner Shafer read Order No. BCC2020-007 in its entirety. **Motion was made by Commissioner Dorran to adopt Order No. BCC2021-007. Seconded by Commissioner Shafer. Carried, 3-0.**
7. COVID Leave Policy. Presented by Commissioner Shafer. The request is to amend the COVID leave policy. He read background information regarding paid sick leave to be effective until 12/31/21. Since Congress extended the policy, an amendment is needed for the county policy. Jennifer Blake, Human Resources Director, is on-line and available for questions. Commissioner Dorran asked for more information. Ms. Blake noted the policy provides up to 80 hours for Corona virus related incidents and also time off for daycare closures and school closures resulting from the public health emergency. Pay for that ended 12/31/20. Approval is sought to voluntarily extend the policy through March for employees as well as keeping a safe workplace. This is not for additional paid leave, just to extend the period for allowing the leave. It has been heavily used. In response to Commissioner Dorran's question about an estimate of cost, she was unsure due to many variables. Commissioner Murdock spoke to employee leave noting there is no additional funding for substitutes. Ms. Blake added, previously, it was reimbursement; this time it is a tax credit. Commissioner Murdock advised the predominant reason for the policy is to allow people to stay home if they are ill. This policy has allowed strict measures in place for that purpose. **Motion was made by Commissioner Murdock to approve the amended policy. Seconded by Commissioner Dorran. Carried, 3-0.**

8. Maintenance Payable. Presented by Mark Tanner, Facilities Manager. Approval is sought for a payable for glass and barriers in the total amount of \$6,757.60 to C&H Glass. There are two items in the payable – bulletproof glass in the Victims Witness Support office with remodel on the third floor at the courthouse, and the second is for barriers at the Stafford Hansell Government Center in Hermiston for COVID protection as well as security for the reception area. **Motion was made by Commissioner Dorrn to approve the payable to C&H Glass. Seconded by Commissioner Murdock. Carried, 3-0.**
9. Echo Community Benefit Plan Grant. Presented by Vice-Chair Shafer. Background: In 2016, a grant (amount of \$50,000 – paid in two phases) was provided through the Echo Community Benefit Plan for a walking trail. Action today is for the second phase. **Motion was made by Commissioner Dorrn to approve the grant and adopt Order No. BCC2021-004. Seconded by Commissioner Murdock. Carried, 3-0.**
10. Echo Community Benefit Plan Committee Appointment. Vice-Chair Shafer presented. With prior Commissioner Elfering’s term ending, the county representative on the Echo Community Benefit Plan Committee needs to be updated. It is proposed to be Commissioner Murdock. **Motion was made by Commissioner Dorrn to adopt Order No. BCC2021-005. Seconded by Commissioner Shafer. Carried, 3-0.**
11. Helix Enhancement Launch Program Board Appointment. With prior Commissioner Elfering’s term ending, the county representative on the Helix Enhancement Launch Program Board needs to be updated. It is proposed to be Commissioner Dorrn. **Motion was made by Commissioner Shafer to adopt Order No. BCC2021-008. Seconded by Commissioner Murdock. Carried, 3-0.**
12. Hospital Facility Authority Board Appointment. Due to term limits, there are two vacancies on the Hospital Facility Board of Umatilla County. It is proposed that Joe Fiumara replace Jim Setzer, and Bill Elfering is proposed to continue as a lay representative replacing Tom Wamsley. It is also proposed to have Commissioner Dorrn serve as the county representative. **Motion was made by Commissioner Shafer to adopt Order No. BCC2021-006. Seconded by Commissioner Murdock. Carried, 3-0.**
13. Employee Commute Authorization. This is the annual review and approval of employees allowed to commute in county-owned vehicles. It is two-part: law enforcement and non-law enforcement for responding to emergencies. The positions to be authorized are the same as 2020. **Motion was made by Commissioner Dorrn to adopt Order No. BCC2021-002 (for law enforcement purposes). Seconded by Commissioner Murdock. Carried, 3-0. Motion made by Commissioner Murdock to adopt Order No. BCC2021-003 (for non-law enforcement). Seconded by Commissioner Dorrn. Carried, 3-0.**
14. Cameras at Jail. Capt. Thoren Hearn, Jail Commander, presented [video link]. Two cameras in the jail aren’t functioning and are beyond repair and purchase of replacement of the two cameras is requested. The bid for the equipment is estimated at \$5,534. In response to Commissioner Dorrn’s question, Capt. Hearn advised there is only one quote from vendor, Reece Complete Solutions. Commissioner Murdock asked if it is a sole source deal? Commissioner Shafer asked Robert Pahl to comment. Mr. Pahl didn’t feel it is a sole source, but Capt. Hearn advised that, due to the need for immediate replacement and security, he is in favor of the purchase. **Motion was made by Commissioner Dorrn to approve the expenditure on an emergency basis. Seconded by Commissioner Murdock. Carried, 3-0.**

Executive Session – none.

Commissioners' Comments

Commissioner Murdock - nothing.

Commissioner Dorran felt that procedures for commissioners should be set out – he would volunteer to take the lead and put together a policy and expectations manual. He wanted the document to support the County Charter. Without objection he would take the lead. Secondly, thank you to all in support of him as a new commissioner. He also noted that next year a Charter Review is to be completed and that the Board will be looking to put that review committee together at the end of this year.

Commissioner Shafer had no comments other than welcome Commissioner Dorran to the team.

The meeting adjourned 10:24 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary, Umatilla County Board of Commissioners