

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of February 21, 2024
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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Commissioners Present: Chair John Shafer, Vice-Chair Cindy Timmons and Commissioner Dan Dorran

County Counsel Doug Olsen

Guests Present: Tom Fellows, Umatilla County Public Works Director; Mark Tanner, Umatilla County Facilities Manager; Dan Lonai, Umatilla County Director of Administrative Services; Bob Waldher, Umatilla County Community Development Director; Kim Beck, Umatilla County Human Services Director; Jaelyn Jenkins, Chief DDA; Cameron Anderson, Shareholder with Anderson, Boylan, Ramos P.C., Loy Uding, Loyalta Corporation; Jody Sharp, Loyalta Corporation

Video link or Calling in: None

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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. 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 and ask that they be three minutes or under. 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 Shafer.

Awards/Correspondence/Recognitions. Commissioner Timmons presented a letter written by a person who did the PIT count, homeless count. I thought it was interesting the numbers coming, it was 205.

The next letter is in regards to a letter that Jenni Galloway wrote. The letter shared appreciation for the content of Jenni’s letter and the struggle of the school board members. The letter also acknowledged how well the letter was written and asked if she would be able to share the letter with those involved that did not get to hear it.

Commission Dan Dorran mentioned that this is National FFA week and Umatilla County has one of the strongest FFA programs throughout all their schools in any county in the state

Additions to Agenda – There is one, regarding a request for feasibility study

Public Comments and Recognition of Visitors – None

Business Items

1. **Audit Presentation** – Presented by Cameron Anderson, Shareholder with Anderson, Boylan, Ramos P.C. The firm was contracted to perform the audit for fiscal year-end June 30, 2023. This was completed last month. It is 160 pages, so highlights were given. The financial statements referred

were presented fairly in all material respects. That's what we want, we don't have any disagreements with management. In essence, it's a clean audit these financial statements, in our opinion, are correct. There were a couple findings on the budget, they were minor but they do have to be reported in the back of the audit report that we submit to the State. No findings in the federal award expenditures. Mr. Anderson thanked Robert and his team; they were great to work with. Commissioner Dorran asked if there were any recommendations. He had no suggestions.

2. Canal Road Legalization - Presented by Doug Olsen, Umatilla County Counsel. Chair Shafer opened the public hearing at 9:12am. A portion of Canal Road does not follow the established course of the road. The Board initiated the legalization process for this segment of the road, and set a public hearing to consider the matter on February 21, 2024. Notice has been posted and sent to the adjacent land owners. The matter is before the Board for the hearing and possible legalization of the road. There were no public comments in favor.

Public comments in opposition: Loy Uding, 52480 Primrose Ln, La Pine OR. Speaking on behalf of Loyalta Corporation, which owns the property adjacent to this legalization. We don't quite understand everything involved in this. They lease the farmland to Windy River. The description was vague, we estimate there will be at least 1.2 acres taken. This could result in modifications to the current irrigation that may be required. Is this eminent domain? Chair Shafer deferred to legal counsel. Doug Olsen explained that legalization is where the road is currently located--if you go to the center line of the road and measure out 30 feet on both sides, that's where the road right-of-way will be after legalization. The law allows it since it's been in that location since a period of time, it just legalizes it in its current place. Mr. Uding noted that part of our circle would swing out over the portion of property being described. Commissioner Dorran asks the circle itself or the spray. Mr. Uding, part of the spray and the end gun would have to be modified. Commissioner Dorran that's normal anyway we don't allow water on the roads. There was discussion as to what was near the road. Commissioner Dorran does the end gun come out over the right of way or just the spray from the nozzle? He is unsure and the map is referred to and it looks like just spray is going over the road. Mr. Uding states they will be taking some of the property with the legalization. Commissioner Timmons asks if the legalization is widening the road and the answer is no. The 30 feet in both directions is an easement, the road would not be widened. Chair Shafer read a portion of proposal stating that there should be no adverse effects to the property owner, the legalization is essentially cleaning up the legal description of where the road currently lies, on paper. Jody Sharp, 7836 Cloud Lane, Hermiston Oregon, shareholder Loyalta Corporation presented for comment. I believe there is a development coming in to that area, across the street, will that effect the road. Commissioner Dorran responds there is a proposed development coming, that will be up to the developers, but it won't affect the right of way. No further comments in opposition or otherwise. Chair Shafer closed the public hearing at 9:26 a.m. **Commissioner Dorran moved to adopt Order No. RD2023-03. Seconded by Commissioner Timmons. Carried, 3-0.**

3. Drum Roller Purchase – Presented by Tom Fellows, Umatilla County Public Works Director. The County issued a request for proposals for the purchase of a used roller drum for the Public Works Department. Two proposals were received, from Indian Eyes, LLC in the amount of \$73,450, and Pape Machinery, Inc. in the amount of \$92,500. The recommendation is to award the contract to the lower proposal. This machine has been on our replacement list for quite some time. Commissioner Timmons asks why is there almost a \$20,000 difference. The Pape machine only has 608 hours on it versus the 2,000 hours on the other. The Pape machine is newer as well.

Commissioner Dorran moved to approve the purchase of the roller in the amount of \$73,450.00. from Indian Eyes, LLC. Seconded by Commissioner Timmons. Carried, 3-0.

4. Road District – Presented by Doug Olsen, County Counsel. Chair Shafer opened the public hearing at 9:29 am. Previously, the Board initiated the formation of the Umatilla County Road Service District to provide funding for services to County Roads. The first public hearing was set on the matter for January 17, 2024. A final public hearing is set for today. There have not been any requests received to refer the district formation for an election. Following the public hearing, the formation of the district can be considered by the Board. It does not have to be voted on as it does not include any property tax imposition. The reason for formation of this district is to receive additional funds for the County road systems. Chair Shafer confirms, no negative impacts to the cities. No public comments were made. Chair Shafer closed the public hearing at 9:35 a.m. **Commissioner Timmons moved to adopt Order No. BCC2024-026. Seconded by Commissioner Dorran. Carried, 3-0.**

5. District Attorney Conference – Presented by Jaclyn Jenkins, Umatilla County Chief DDA. From April 22 to April 26, 2024, in recognition of National Child Abuse Prevention Month, the Umatilla County District Attorney's Office, in partnership with the Guardian Care Center (GCC), is hosting the Second Annual George Murdock Eastern Oregon Regional Child Abuse Conference (CAC) to be held at the Wildhorse Resort in Pendleton, Oregon. The conference in 2023 was scheduled for three days, and now is a week-long event in 2024. It starts with the Internet Crimes Against Children Training on Monday and ends on Saturday, April 27, with the GCC Charity Golf Tournament. Approval is sought for the following CAC projected expenditures: \$28,000 for 20 speakers' fees (Including Lodging/ Travel); and \$25,000 - 200/Attendees' Food Costs (Catered by the Resort). Ms. Jenkins discussed the details of the conference and the importance of this cause. It is great to be able to bring this to the east side of the State. **Commissioner Shafer moved to approve expenditures for the Child Abuse Conference in April 2024, in the amount of \$53,000.00. Seconded by Commissioner Dorran. Carried, 3-0.**

6. Administrative Services Policy - Presented by Dan Lonai, Umatilla County Director of Administrative Services. Administrative Services is requesting the approval and the adoption of the attached Personal Identifying Information Policy. This policy is required before the county can qualify for a higher tiered cyber insurance through our property and liability insurance carrier. **Commissioner Timmons moved to adopt the Personal Identifying Information Policy, Policy No. AS-15.0. Seconded by Commissioner Dorran. Carried, 3-0.**

7. Sound System Replacement – Presented by Dan Lonai, Umatilla County Director of Administrative Services. IT is seeking to replace the cameras, OWL and sound system in Room 130 of the Courthouse. The cost to replace the equipment is \$14,707.53. IT has budgeted \$20,000 in the IT 5 year plan for Room 130 upgrades this year. The goal is to have better audio and the speakers would be updated throughout the room as well. Commissioner Dorran asked about a time frame. This would depend on parts availability, once the parts are received, we could do it relatively quick. **Commissioner Dorran moved to approve of sound system replacement for Room 130 in the amount of \$14,707.53. Seconded by Commissioner Timmons. Carried, 3-0.**

8. Software License Renewal - Presented by Dan Lonai, Umatilla County Director of Administrative Services. It received a quote to renew the Google Workspace Enterprise Standard license for a year for \$58,788, and also received a second quote for the county to renew and upgrade to Google Workspace Enterprise Plus license for \$63,900. Moving to Plus would give us extra security features. Plus Google would scan all email attachments for viruses and remove them before delivering them to our inboxes. IT recommends moving to Google Workspace Enterprise Plus. **Commissioner Dorran moved to approve upgrading of license to Google Workspace Enterprise Plus and payment of annual license fee in the amount of \$63,900.00 for 3 years. Seconded by Commissioner Timmons. Carried, 3-0.**
9. Gate Request for Proposals – Presented by Mark Tanner, Umatilla County Facilities Manager. The Maintenance Division is seeking to have a request for proposals issued for the purchase and the installation of two gates for the Community Corrections Hermiston facility. The fence is installed, but the automated gates are still needed. The fence company that we were originally contracted with went bankrupt and the gates are what is left to complete the project. **Commissioner Dorran moved for approve the request for proposals for purchase and installation of two gates at the Community Correction Hermiston facility. Seconded by Commissioner Timmons. Carried, 3-0.**
10. Maintenance Payable - Presented by Mark Tanner, Umatilla County Facilities Manager. Approval is sought for Maintenance Division payable for replacement of compressor at the juvenile facility. The payable is before the Board for approval due to the amount. Chair Shafer asked if the system was fairly new. Mr. Tanner explained that there was a coil replaced previously, but the unit was not new. **Commissioner Timmons moved to approve payable to Murphy’s Heating and Air LLC in the amount of \$6,425.00. Seconded by Commissioner Dorran. Carried, 3-0.**
11. Legislative Request – Presented by Bob Waldher, Community Development Director. Umatilla and Morrow counties are continually seeking solutions for contaminated wells within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). Planning staff from both counties have prepared a letter requesting the Oregon House Agriculture, Land Use, Natural Resources and Water Committee dedicate funding to the state’s Water Well Abandonment, Repair, and Replacement Fund (WARRF). The WARRF program is another resource that local residents could access to mitigate drinking water wells impacted by the high nitrate levels of the LUBGWMA. If this program is funded it would be another resource that would be available to well owners to give them access to funding to making repairs to their wells and hopefully help provide clean drinking water. We think this would a nice compliment to the work that the counties are doing as part of the EPA grant that we received. **Commissioner Dorran moved to approve Umatilla & Morrow County joint letter request for more funding. Seconded by Commissioner Timmons. Carried, 3-0.**
12. CDDP Payable - Presented by Kim Beck, Umatilla County Developmental Disabilities. Approval is sought for DD program payable. The payable is before the Board for approval due to the amount. The state will reimburse. Commissioner Dorran noted that there have been several of these lately. Ms. Beck stated that the State has been doing a better job of getting out and doing scopes of work. We have had access to a couple of contractors that are willing to do the work, it can be difficult to find contractors because they do not get funds upfront, they get paid when the job is done to the satisfaction of the home owner. **Commissioner Timmons moved to approve payable to Gils**

Construction in the amount of \$27,000. Seconded by Commissioner Dorrان. Carried, 3-0.

13. Ambulance Service Area Committee - Presented by Doug Olsen, Umatilla County Counsel. Umatilla County Emergency Management is seeking the appointments to Umatilla County Ambulance Service Area Committee. Eleven individuals are sought to be appointed. **Commissioner Dorrان moved to adopt Order No. BCC2024- 023. Seconded by Commissioner Timmons. Carried, 3-0.**
14. NACo Leadership Academy - Presented by Jennifer Blake, Umatilla County Human Resources Director. Umatilla County recognizes the value of the NACo High Performance Leadership Academy for our Managers and would like to continue to leverage the discounts offered for this program. The current program is offering 10 spots for \$15,000 eligible to be used in the 2024 and 2025 calendar years. This equates to a 50% discount. Chair Shafer commented that he highly recommends going through this training, it is fantastic. **Commissioner Timmons moved to approve payment in the amount of \$15,000.00 to NACo for 10 participants in the High Performance Leadership Academy. Seconded by Commissioner Dorrان. Carried, 3-0.**
15. City of Umatilla Payment - Presented by Doug Olsen, Umatilla County Counsel. As part of the long term enterprise zone agreement for development in the City of Umatilla, a portion of the annual payment to the County was to be allocated toward mutually agreed upon economic development projects within the City. The City has identified the Umatilla Hospital District new clinic project for funding from the 2023 payment. Commissioner Timmons asks if this is a new construction, location discussed. It is new construction. **Commissioner Dorrان moved to approve payment to the City of Umatilla in the amount of \$450,000.00 for the new clinic building from 2023 Enterprise Zone Agreement payment. Seconded by Commissioner Timmons. Carried, 3-0.**
16. Community Service Fee Agreement – Presented by Doug Olsen, Umatilla County Counsel. As part of the Strategic Investment Program, the developer is to pay an annual community service fee, to be distributed as agreed to by the districts in the project area. For the Nolin Hills projects, both wind/solar and battery components, there are nine districts that potentially are within the tax code areas of the project. These districts have received a proposed agreement to distribute the fee based on portion of the project located in the district and the district tax rate. These agreements are before the Board for approval and signature. There is an agreement for each of the two projects. The Oregon Business Development Commission will be making the decision on the final distribution formula, and it will be requested to approve the formula based on the method approved by the districts. **Commissioner Dorrان moved to adopt Order No. BCC2024-024. Seconded by Commissioner Timmons. Carried, 3-0. Commissioner Dorrان moved to adopt Order No. BCC2024-025. Seconded by Commissioner Timmons. Carried, 3-0.**
17. Letter of Support - Presented by Doug Olsen, Umatilla County Counsel. The Board of Commissioners has been requested to provide a letter of support for the Oregon range project on the Navy Board property. The letter is before for the Board to review and to consider. **Commissioner Dorrان moved to approve letters to support the multi-purpose machine gun range on the Navy bombing range in Morrow County. Seconded by Commissioner Timmons. Carried, 3-0.**

18. AOC Membership – Presented by Doug Olsen, Umatilla County Counsel. Approval is sought for payment for 2024 General Fund dues to the Association of Oregon Counties. The payment is before the Board due to the amount. Due to a past president, the dues are now in one amount, and not itemized by program. This represents all of the County’s portions for all of the different projects that previously were itemized. **Commissioner Dorrان moved to approve payment to the AOC in the amount of \$36,288.60. Seconded by Commissioner Timmons. Carried, 3-0.**
19. Adams CBP Grant - Presented by Doug Olsen, Umatilla County Counsel. The Adams Community Benefit Plan committee is recommending funding of a grant from the community benefit plan for 2024. The grant is before the Board for approval. This is for funding for improvements made to the little league field in Adams. All commissioners agreed it is a great facility. **Commissioner Timmons moved to approve grant and adopt Order No. BCC2024-027. Seconded by Commissioner Dorrان. Carried, 3-0.**
20. Request for Feasibility Study - Presented by Doug Olsen, Umatilla County Counsel. This is a request to IRZ Consultants to create a study to determine the feasibility of a second river intake system near the current planned one for the central water project. This would authorize the consultant to put together a study to see if the project itself is feasible and estimated costs. **Commissioner Shafer moved to approve the request for IRZ Consultants to create a study. Seconded by Commissioner Timmons. Carried, 3-0.**
21. Executive Session – Employment/Real Property – ORS 192.660(2)(a,b,e,h) – None

Commissioner Reports:

Commissioner Shafer: None

Commissioner Dorrان: None

Commissioner Timmons: None

Meeting adjourned by Chair Shafer at 10:12 a.m.

Kelsey Bailey

Executive Secretary – Board of Commissioners