

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of October 5, 2022
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

Commissioners Present: Chair John Shafer, Vice-Chair Dan Dorran, and Commissioner George Murdock

County Counsel Doug Olsen

Guests Present: Rocale Timmons, AWS; Umatilla County Fire Dist. #1: Scott Stanton, David Hanson, Eldon Marcum, Jim Whelan; Robert Pahl, Chief Finance Officer; Rachael Reynolds, Assessment & Taxation Director; Jennifer Blake, Human Resources Director; Dan Lonai, Administrative Services Director; Tom Fellows, Public Works Director; Mark Morgan, Hermiston Asst. City Manager; Tammy Sundin, Community Corrections Office Manager; Cindy Timmons, candidate, Milton-Freewater; Susan Bower, EO Business Source and candidate, Pendleton

Video link or Calling in: Tom Roberts, Emergency Manager; Lorraine Churchill; Cpt. Karen Primmer, Dispatch Manager

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. 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

Awards/Correspondence/Recognitions *[By Chair Shafer, moved to later in the Agenda].*

Minutes – Commissioner Murdock moved to approve the minutes from the June 14, 2022 and September 7, 2022 Board meetings. Seconded by Commissioner Dorran. Carried, 3-0.

Additions to Agenda – Commissioner Murdock requested adding two new items: #27 and #28: sponsorship for NW Native Economic Summit and County Historical Society contribution and membership, and Commissioner Murdock made the motion. Seconded by Commissioner Dorran. Carried, 3-0.

Public Comments for anything not on the agenda. There were none.

Business Items

1. **Enterprise Zone Agreement- Hermiston (204 A)**. Presented by Doug Olsen. He gave background the (first three agenda items are connected) proposed for development in the Greater Hermiston Enterprise Zone, each project identified by acres. The third item is an agreement. 204A, for Amazon Data Services. An agreement with the developer is required (this is for development on 204 acres) and the proposed agreement is before the Board for approval. Mark Morgan, Hermiston Assistant City Manager and Enterprise Zone administrator, explained the terms of the proposed agreement are similar to an existing agreement with the same developer – there are only minor differences. 1.) Once up and operational, annual fees will go to the zone in the range of \$5/sq. ft. for the life of the zone. 2.) Annual fee approximately on \$27 million for taxable year – using the original agreement, the fee was \$25 million. This annual fee would go to all underlying taxing jurisdictions as a portion of existing property taxes they would

have received. This agreement is only for this campus. Fees go to the relevant taxing jurisdictions; e.g., school districts receive payments (student success fees). A Community Impact fee is also agreed to – proposed at \$5 million up-front payment as soon as they break ground. This is a new fee from the first agreement. Total value of campuses will also be added to the calculation for annual bond payment for the future (newly passed bonds). As a new component, it drives down the bond payment for other tax payers. The bond will be only for things like public safety, sheriff and policing, utilities, education – with broad “side boards”. Last week, the Hermiston City Council approved the agreement. Thanks to Commissioner Shafer and county staff for their work on this. In response to Commissioner Dorran about construction schedule, Mr. Morgan didn’t know at this time, but anticipates it will be on-line in the next few years.

Chair Shafer recognized a large contingency in the audience and asked if any wished to speak to this item.

Scott Stanton, CEO for Umatilla County Fire District #1, 320 S First, Hermiston. He’s very supportive of jobs and economic development in the county, noting it’s critical to ensure a safe community. He has concerns with tax incentive programs to continue growth of fire districts. He feels it is not equitable to county and cities vs. the ability to provide life safety services. The fire district needs funds and urged consideration by the county and cities involved in this aspect. He pointed out call volume is up 12.5% from last year and urged considering conversations regarding public and life safety as part of the equation with growth of population and economic development. He recognized there is a great deal of adding impact fees and is concerned about the fire district not being included in the conversations at the table (negotiating).

Commissioner Dorran pointed out conversations also do not include the Sheriff and other department heads. It is the commissioners’ duty to be at the table. Also, he understands concerns about releasing information in a very short interval, but knows it is confidential until agreements presented for approval – it was brought to relevant parties with short notice due to negotiations. This is the process. He pointed out this new bond commitment shows a sign of a major density and high value company to our county.

Commissioner Murdock recused himself in deliberation of this item. **Commissioner Dorran moved to adopt Order No. BCC2022-052. Seconded by Chair Shafer. Carried, 2-0.** Commissioner Murdock noted his recusal is because his daughter is employed by AWS (Amazon Web Services).

2. Enterprise Zone Agreement- Hermiston (118 A). Presented by Mr. Olsen. This is same as first, but for a different parcel consisting of 118 acres and in a different location. Mr. Morgan advised he had already covered most items in the first agreement. One difference is Stanfield School District is directly impacted with the student success fee.

Rocale Timmons, Amazon Web Services, Economic Development, 2121 8th St., Seattle WA 98121. Thank you not only to the Board of Commissioners for leadership in getting agreements to this place, but also to other county staff and the Cities of Hermiston and Umatilla. This is an ongoing partnership with new campuses. Hermiston has been a great collaborator with deal structure. This reflects concerns heard from local government regarding continued participation in infrastructure. On behalf of AWS, she’s excited and proud of this agreement and looks forward to future partnership with local governments.

Commissioner Dorran asked about an estimated construction schedule. Ms. Timmons advised that anticipated start dates for construction are in the agreements. Commissioner Dorran responded it is a very aggressive schedule. Ms. Timmons agreed noting the hope is to be operating as soon as possible. And, fees would be forthcoming soon after. Chair Shafer expressed thanks to Ms. Timmons and her team.

Commissioner Dorran moved to adopt Order No. BCC2022-053. Seconded by Chair Shafer. Carried, 2-0. Commissioner Murdock noted his recusal same as agenda item #1.

3. City of Hermiston Agreement (204/118). Presented by Mr. Olsen. The agreements with the City of Hermiston regarding the division of the enterprise zone agreement payments are before the Board for approval. The payments will be distributed between the two parties equally (for the two sites previously approved). Commissioner Dorran noted that LTREZ stands for Long Term Rural Enterprise Zone tax abatement. Commissioner Murdock clarified with Mr. Olsen about possible conflict; Mr. Olsen advised it was not. **Commissioner Dorran moved to approve the distribution agreement. Seconded by Commissioner Murdock. Carried, 3-0.**
4. City of Hermiston Agreement. Presented by Mr. Olsen. This agreement with the City of Hermiston is for the prior site (from March 2020) and is identical to the last action item, and that payments are divided equally between the two entities. **Commissioner Dorran moved to approve the distribution agreement. Seconded by Commissioner Murdock. Carried, 3-0.**
5. Enterprise Zone Agreement- Umatilla (234 A). Presented by Mr. Olsen. An application has been submitted for development within the Greater Umatilla Enterprise Zone. The request is for a long-term rural abatement for approximately 234 acres. The development would be for a new campus for Amazon Data Services. The terms for the abatement are before the Board for review and approval. As a co-sponsor of the zone, the County must agree to the terms of the agreement. The agreement with the City on the distribution of the payments is also before the Board for approval. The Umatilla City Council is considering the proposal at its October 4, 2022 meeting. Commissioner Murdock noted his recusal same as agenda item #1. The terms of the agreements are the same as the two with the City of Hermiston. The payments will also be divided equally between the City of Umatilla and the County. **Commissioner Dorran moved to adopt Order No. BCC2022-057. Seconded by Commissioner Shafer. Carried, 2-0.**
6. Enterprise Zone Agreement- Umatilla (212 A). Presented by Mr. Olsen. An application has been submitted for development within the Greater Umatilla Enterprise Zone. The request is for a long-term rural abatement for approximately 234 acres. The development would be for a new campus for Amazon Data Services. The terms for the abatement are before the Board for review and approval. As a co-sponsor of the zone, the County must agree to the terms of the agreement. The agreement with the City on the distribution of the payments is also before the Board for approval. The Umatilla City Council is considering the proposal at its October 4, 2022 meeting. Commissioner Murdock noted his recusal same as agenda item #1. The terms of the enterprise zone agreement, and the division agreement, are the same as the previous item. **Commissioner Dorran moved to adopt Order No. BCC2022-058. Seconded by Commissioner Shafer. Carried, 2-0.**

Employee of the Quarter (July-August-September). Chair Shafer read the nomination letter in recognition of Daniel Garcilazo-Madrigal, Community Corrections. Daniel always goes above and beyond for staff and supervised clients alike with professionalism and leadership. He was presented with a certificate of award, candy, personalized coaster and a county logo mug, plus 8 hours paid time-off slip. A photo was taken for a county-wide email. Chair Shafer noted Dale Primmer was on KUMA that morning and wanted to be here for presentation, thus the delay. Congrats and thank you, Daniel. You are appreciated!

7. PATH Project Agreement. Presented by Commissioner Dorran. The draft intergovernmental agreement for the PATH project is before the Board for review and approval. It codifies the agreements to manage the project by the City of Umatilla and the other local governments represented on the committee. This homeless facility will be located on Lind and Bensel Roads. **Commissioner Dorran moved to approve and sign documents to work within time limits. Seconded by Commissioner Murdock. Carried, 3-0.**
8. PATH Lease. Presented by Mr. Olsen. The draft lease for the PATH project is before the Board for review and approval. The county owns the property. The initial term of the lease will be for up to five years. No rent will be charged under the lease. The City of Umatilla will take full responsibility under terms for the project. **Commissioner Dorran moved to approve the signing of the final lease. Seconded by Commissioner Murdock. Carried, 3-0.**

9. Code Enforcement Software. Presented by Dan Lonai, Administrative Services Director. This is for the purchase of new software for code enforcement. The current system does not work on mobile devices, which prevents staff using it in the field. Approval is sought to purchase from Prowest a system for \$19,244.72 plus \$7,800 for extra development time (60 hours) to tailor it as needed. Prowest converted the county's GIS data and has a code enforcement application that could be modified to meet the county's needs, which will integrate with the GIS data system. Once completed, it will be owned by the county. Planning department and IT have a 5-year plan for software replacement/updating. This is part of the budget. There won't be a licensing fee, but more development time can be paid for; he suggested the next couple of years would work to keep up extra time. There's no limitation of the number of people that can use the system since the county owns the license. **Commissioner Dorrان moved to approve the purchase as outlined. Seconded by Commissioner Murdock. Carried, 3-0.**
10. BOPTA Appointments. Presented by Mr. Lonai. The annual appointment for the Board of Property Tax Appeals is before the Board for approval. The proposed members who served last year are willing to serve for another year. **Commissioner Dorrان moved to adopt Order No. BCC2022-056. Seconded by Commissioner Murdock. Carried, 3-0.**
11. Maintenance Payable. Presented by Mr. Lonai. Approval is sought for electrical materials and labor at the new maintenance facility. It is before the Board due to the amount of \$8,970.96. There will be more external lighting and associated cost for the new parking lot. **Commissioner Murdock moved to approve the payable to Double S Electric. Seconded by Commissioner Dorrان. Carried, 3-0.**
12. Community Corrections Payable. Presented by Mr. Lonai. Approval is sought for a payable for materials and services for work at the new Hermiston Community Corrections facility. The payable to Rob Merriman Plumbing is before the Board due to the amount of \$5,410.53. according to the payable, this is 1/3 billing for under-slab. There will be more coming. Chair Shafer also noted Community Corrections will pay this back from its budget. **Commissioner Dorrان moved to approve the payable to Rob Merriman Plumbing. Seconded by Commissioner Murdock. Carried, 3-0.**
13. Burn Ban. Presented by Mr. Olsen. Currently, the county's annual non-agricultural burn ban has been in effect since July 14, 2022. Historically, the ban has been lifted at the end of September or beginning of October. Other nearby jurisdictions (i.e. CTUIR, cities of Pendleton and Milton-Freewater) will also be lifting their burn bans in the next 5-10 days. Approval is requested to lift the burn ban effective October 5, 2022 at noon and direct staff to issue a press release. **Commissioner Dorrان moved to approve lifting the temporary burn ban and adopt Order No. BCC2022-054. Seconded by Commissioner Shafer. Carried, 2-1. Commissioner Murdock, nay vote, noting conditions haven't changed.**
14. Truck Purchase. Presented by Tom Fellows, Public Works Director. Authorization is requested to purchase one used 2006 International 4400 Cab and Chassis from Surplus property in Salem. The truck would replace the current roadside weed spray truck (a 1991 Kodiak, which has developed fuel system problems and estimated repair cost in excess of \$5,000). Public Works plans to use the existing flatbed and updated spray system on the International truck. The old truck would be surplus at auction sale. **Commissioner Murdock moved to approve the purchase in the amount of 12,000.00. Seconded by Commissioner Dorrان, and he complimented Mr. Fellows and his team for taking time to go over surplus property, obtaining great deals and saving the county money. Carried, 3-0.**
15. Harris Park Grant. Mr. Fellows presented. Approval is sought for an Oregon Parks & Recreation grant application for an asphalt overlay in the park over existing pavement and additional areas in day use area. Parks & Recreation requires a formal order from the Board as well as a support letter. **Commissioner Dorrان moved to approve and adopt Order No. BCC2022-055. Seconded by Commissioner Murdock. Carried, 3-0.**

16. Dispatch Training and Updates. Presented by Cpt. Karen Primmer, Dispatch Manager. She provided background regarding an efficiency study of quality assurance and standard operating procedures for training for all dispatchers. She elaborated about the online training from Moetivations, for National Standards. The cost for QA, with training option from 11/2022-7/1/23 is \$10,132.38. And, the cost for standard operating procedures and editing module, for a flat one-time fee for one year of service is \$3,450.00. She noted updated figures: training \$9,020.56 and then to redo SOP's is \$3,450. The total is down to \$12,470.56. **Commissioner Dorran moved to approve payment to Moetivations for QA & SOP as outlined.** He also pointed out the consulting group and result were eye opening. Their recommendations are being taken seriously. **Seconded by Commissioner Murdock. Carried, 3-0.**
17. Creation of Position. Presented by Rachael Reynolds, A&T and GIS Director. Request is made to create a new position for another Commercial Appraiser III (Range 24). Funding is budgeted from the A&T Department. **Commissioner Murdock moved to approve creation of the Appraiser position. Seconded by Commissioner Dorran. Carried, 3-0.**
18. Personal Property Tax Abatement. Presented by Ms. Reynolds. There are three additional delinquent personal property accounts that are uncollectible. The business is no longer in existence, and the manufactured structures have been destroyed, leaving no means to collect taxes. Oregon law allows the Board to abate these uncollectible taxes. **Commissioner Murdock moved to adopt Order No. TX2022-05. Seconded by Commissioner Dorran. Carried, 3-0.**
19. Emergency Management Workshop. Presented by Tom Roberts, Emergency Manager. The contract to provide an emergency management workshop is before the Board for review and approval. The contract is with Athena Incident Management LLC aka AIM, effective September 30, 2022. Funded through hazardous materials grant program (previously approved with state Fire Marshall's office). Commissioner Dorran had question. 1) What will be the total cost of this training? Mr. Roberts noted the total amount to expend will cover predominantly travel costs for the speakers -- \$26,000 -- with funds provided through a grant to the county. The only out of pocket expense will be in soft match -- about \$5,600 -- offset by attendees.

Lorraine Churchill, 2304 Columbia Blvd, St Helens, OR. Commissioner Dorran reiterated, what is the total cost? Ms. Churchill explained she is an emergency manager, working with the state fire marshal since 2008 and also with Mr. Roberts. She's put on two different conferences of this type, she doesn't charge, as it is sharing best practices for improving emergency communications. The grant awarded will cover speakers, travel, lodging, their costs as well as the facility charge (Convention Center). All is in proper compliance, with soft match reported to the state. More questions regarding fee for attendees, meal costs? Ms. Churchill explained, meals are not covered by the grant. A \$50 ticket fee would go to cover the food only portion. Speaker fee covers airfare, rental car. She will emcee the event. Commissioner Dorran asked about the agreement -- it doesn't have any contractor expense. He's supportive of communication training. Ms. Churchill noted \$26,000 grant is a reimbursement only process. Commissioner Dorran went on to ask about notices wherein all speakers are international? How does this interact with local emergencies? Ms. Churchill explained the scenario would be completely centric to Umatilla County, a requirement of the grant. These experts contribute to the exercise, tabletop, process of communications and, as the conference closes out, Umatilla County will have after-action items to improve communications with benefit of these experts. **Commissioner Dorran moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
20. Post-Retirement Employment. Presented by Mr. Olsen. County policy provides for employment of post-retirement PERS individuals, which approval is done annually by the Board. A post-retirement employee in the finance office will leave employment in 2023. Request is made to continue employment as a temporary special employee to September 1, 2023 as an at will employee with benefits and salary consistent with the current position. The manager has approved the written request. **Commissioner Murdock moved to approve. Seconded by Commissioner Dorran. Carried, 3-0.**

21. Finance Position. Presented by Robert Pahl, CFO. With the anticipated opening for the assistant director position in the finance office, there is need to double-fill the position for a period of time. Due to the amount of training, and implementation of the new software system, a period of time up to eight months is requested. Some portion of funding is available in the software budget. **Commissioner Dorrان moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
22. ARPA Grant Payments. Mr. Olsen presented. Some of the ARPA funds were allocated for local community investment projects. Payment for a number of grants is before the Board for approval: City of Athena for housing development - \$400,000. City of Helix for community center renovations - \$35,000. City of Pilot Rock for Birch Creek Flooding mitigation - \$100,000. City of Pilot Rock for Senior Center upgrades - \$100,000. Camas Prairie Cowboy Convention - \$55,000. Milton-Freewater Rotary – Schoolhouse renovation - \$15,000. **Commissioner Murdock moved to approve. Seconded by Commissioner Dorrان. Carried, 3-0.**
23. Wireless Management Services. Presented by Mr. Olsen. Authority is sought to contract with Wireless Watchdogs to optimize the county use of its mobile devices. The company can audit the use of the county cell phones and recommend alternate providers, methods of use and efficiencies to control cost. The cost for the services is \$3.40 per line per month, and is based on an Oregon State contract. **Commissioner Dorrان moved to approve. Seconded by Commissioner Murdock.** Commissioner Dorrان commented: great work by Robert Pahl and the finance department for their work on this. Mr. Pahl noted the audit will be for all county departments. The plan is to transition as many as wireless programs to one carrier (for overall access allowed within the finance office). In addition, optimizing plans should save the county funds each month. Commissioner Dorrان pointed out the company can audit minutes, obtain reports of use, etc. Commissioner Murdock appreciated the ability to have an audit of all phones, not just some. Mr. Pahl agreed the goal is for universal access. **Carried, 3-0.**
24. McKay Creek Project Support. Presented by Commissioner Dorrان. Previously, the Board provided a letter of support for the first phase of the McKay Creek habitat restoration project. A letter of support for Phase II of the project is before the Board for review and approval. **Commissioner Dorrان moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
25. Facilities Services Agreement. Presented by Mr. Olsen. Approval is sought for an Electric Facilities Service Agreement with Umatilla Electric Cooperative for the purpose of a river pump station associated with the Ordinance Project. In order to get upgrades, UEC is proposing this agreement on a reimbursement basis, where any upgrades for the project would be paid through this agreement. **Commissioner Dorrان moved to approve and sign the agreement and also noted the motion includes expending money only from the pool of ARPA funds. Seconded by Commissioner Murdock. Carried, 3-0.**
26. Forklift Purchase. Presented by Mr. Olsen. As part of the CDBG funding for the Agape House, the purchase of two forklifts is being sought for use within inside the building. Authorization to issue a request for proposals for two forklifts – one propane driven and one electric - is before the Board for discussion and possible action. Estimates received were about \$40,000 each. Chair Shafer asked to clarify if this purchase would be out of the approved \$250,000? Mr. Olsen, yes. **Commissioner Murdock moved to approve. Seconded by Commissioner Dorrان. Carried, 3-0.**
27. Native American Economic Summit Support. Commissioner Murdock presented. He had just that day received information from Dave Tovey, CTUIR, about an economic summit (by the Affiliated Tribes of Northwest Indians-Economic Development Corporation) to be held on October 26-28 at Wildhorse in Pendleton. **Commissioner Murdock moved to approve sponsorship of \$5,000 from the county’s economic development budget. Seconded by Commissioner Dorrان.** Commissioner Murdock noted it would behoove Umatilla County to be a partner and participate. Chair Shafer agreed as liaison commissioner to economic and community development. Carried, 3-0.

28. Heritage Museum. Commissioner Murdock suggested a contribution of \$5,000 from the county's tourism (economic development) budget for the Umatilla County Historical Society. Commissioner Dorran was surprised the county is not a member, and **Commissioner Dorran moved to approve a \$5,000 contribution. Commissioner Murdock seconded**, adding the museum is a great reflection of county history, and Commissioner Dorran advised it includes full county-wide participation. Chair Shafer agreed to the budget expenditure as liaison commissioner. **Carried, 3-0**. Mr. Pahl asked for clarification regarding membership. Mr. Olsen recommended a second separate motion. **Commissioner Dorran moved to approve county membership in the Umatilla County Historical Society. Seconded by Commissioner Murdock**. Mr. Olsen noted membership is \$100 for a business. **Carried, 3-0**.

Executive Session – none.

Commissioner Reports

Commissioner Dorran: A streambank enhancement town hall was held yesterday. Participation was very impressive with seven agencies attending as well as Tribes. It accomplished a lot of things, including some suggested solutions. Overall, agencies realized the complicated process of agencies – multiplied then with action items – a lot of expense and time. Affected property owners got the point across the expense of the process, with \$50,000 engineering, \$10,000 + more for permit process and for maybe \$5,000 of construction. A follow-up town hall was recommended. He will come back to the Board with a report.

Also, last night there was an Uma-Birch meeting. There's a long way to go on that project. EPA representatives attended. There was great information and contact sharing. Tribes representatives extended the invite. He also noted the county contract with Kyle Waggoner, UCSWD, who has been instrumental in waterway discussions.

Commissioner Murdock: Senator Wyden has had an active role in bringing \$1 million this year and \$1 million next year. He urged a letter of thanks should come from Chair Shafer. The CARES package funding was approved, and Umatilla County will receive \$1 million each year for two years. An important element was a point was made to Senator Wyden about how funds are distributed – with preference to come directly to the county. And, Commissioner Dorran added it's great to see some local control with AOC and NACo involvement in getting federal dollars directly to the county vs. just to the state, where it might stay.

Chair Shafer: He attended a fantastic event yesterday. The changed naming of National Guard training center to General Raymond F. Rees – a living recipient – and it happened to be on his birthday.

He also noted the new Hermiston City Hall ribbon cutting is next week and encouraged attendance.

Meeting adjourned at 10:34 a.m.

Melinda Slatt

Executive Secretary – Board of Commissioners