

Approved
3/8/2017

GEORGE MURDOCK
LARRY GIVENS
BILL ELFERING

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of February 15, 2017
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

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

County Counsel: Doug Olsen

Members and Guests Present: Tom Fellows, Public Works Director; Teresa Dutcher, Milton-Freewater HR/Public Transportation Coordinator; Jeremy Umbarger, Clearview; Darrin Umbarger, Clearview CEO; Scott Stanton, Umatilla County Fire District 1 Fire Chief; Eldon Marcum, UCFD1 Board Member; Duane Thul, Weston Councilor; Jennifer Spurgeon, Weston Mayor; Gary Roberts, County Road Department Surveying Foreman; Fred Maiocco, Hermiston School District Superintendent; Robert Pahl, Chief Finance Officer; Mike Graber, Community Corrections; Tammy Sundin, CC Office Manager; Paul Chalmers, Assessment & Taxation Director; Brandon Seitz, Planning Department; Tamra Mabbott, Planning Director; Brigit DuBois, Amazon Tax Senior Manager; Michael Grelh, Amazon Web Services Director-Economic Development; Linda Carter, Pendleton Finance Director; Helen Parker, Amazon Global Exp. Manager; Virginia Beebe, STF Committee

CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair Larry Givens welcomed all.

Pledge of Allegiance was led by Commissioner Bill Elfering.

Chair Givens 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.

Awards/Correspondence/Recognition. None.

Minutes of Previous Meeting. Commissioner Murdock moved to approve the Board meeting minutes of 1/23/17 and 2/1/17. Seconded by Commissioner Elfering. Carried, 3-0.

Additions to Agenda. None.

Public input for those items other than on agenda. None.

Presentations. None.

Business Items:

1. **Road Legalizations.** Chair Givens called the public hearing to order at 9:04 a.m. Staff report was given by Gary Roberts, County Surveyor. The two roads intersect – Cottonwood Bend and Livestock Road -- both deal with legalization and right of way lines for a specific stretch of road. In response to Chair Givens' question about any requirement of abatement of structures or buildings, Mr. Roberts said no; action is just to legalize portions of the roads that have been used for years and years. He

referred to maps depicting the subject areas projected on the monitor. Doug Olsen added that all terms of legalization have been met and the Board action can be taken today. With no other questions of Mr. Roberts, Chair Givens asked for public comments or questions. None were heard. He closed the hearing at 9:10 a.m. Commissioner Elfering agreed with the formal legal action to establish rights of ways. **Commissioner Elfering moved to approve and adopt Order No. RD2017-02 (regarding legalization of Cottonwood Bend Road, County Road No. 1327). Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve and adopt Order No. RD2017-01 (regarding legalization of Northwest Livestock Road, County Road No. 1328). Seconded by Commissioner Murdock. Carried, 3-0.**

2. City of Pilot Rock and City of Weston TSP Co-adoption. Chair Givens called the public hearing open at 9:12 a.m. He asked for a staff report. Brandon Seitz, Planning Department, presented. It was recently determined the County had never adopted these smaller cities' Transportation System Plans.
3. Weston adopted its Plan in 2001 and amended it 8/12/15. The second document is 2007 infill plan – focused on land use looking at vacant and underdeveloped land, as well as bicycle plans and, in 2015, the TSP multi-modal plan outside the UGB. Two other projects are signage on Highway 11 and to realign Water Street to intersect Highway 204 for a better angle. Some changes relate to pedestrian and bicycle access mainly for school children.

Pilot Rock. This TSP is two documents: 2001 TSP similar to Weston's with the same basic overall elements. In 2005, a Pedestrian Transportation Plan was added, which modified road standards and projects regarding better conditions.

In response to a question by Chair Givens regarding the width of Banister Road in Weston, Mr. Seitz advised it is not a specific amount for widening, but it has a pedestrian and bike piece, which may be off the road, but there are no right-of-way requirements at this time. At this time, there is general community desire for pedestrian and bike areas. A specific plan will be needed and required at the proper time. Commissioner Elfering commented the items appear to be in the planning stage with the basic outline and community desire as part of the transportation plans. Commissioner Elfering asked about any overpass over Highway 11. Mr. Seitz noted specifics would be dealt with later in the stage. Tamra Mabbott, Planning Director, added co-adoption of TSP is the first step -- design and engineering would be much later. This is not an obligation, but it recognizes lots of community input and work with Public Works as well as Planning. Chair Givens noted there is a lot of desire for pedestrian and bike paths all over the county as well as statewide. It is becoming more important to connect and access.

Jennifer Spurgeon, Mayor of Weston, commented there is youth traffic between Weston and Athena with schools and also to/from the pool in Athena during the summer. Weston is participating in trails tied to Walla Walla and Columbia County; they are at the south end of that area, but Weston also wants to be the north piece into Umatilla County. Distance is about 3 miles city limits to city limits.

There were no other comments. Chair Givens asked Ms. Mabbott to give some background regarding a trail to Dayton, Walla Walla and M-F. She advised that Bob Waldher along with the Walla Walla Council submitted a grant application to the National Park Service for Rivers Trails; they are working together to make a comprehensive trail plan. Interest evolved and there is a lot of public interest.

There were no other proponents.

Commissioner Murdock asked for acknowledgment of Duane Thul as outgoing Mayor of Weston. The Board thanked him for many years of service as Mayor.

There was no opposition; no state agencies or public agencies commented. Chair Givens closed the hearing at 9:27 a.m.

Commissioner Murdock commented about long range planning; he admired the work on it. Mr. Olsen noted there are two orders for action. **Commissioner Elfering moved to co-adopt Ordinance 2017-02 (Pilot Rock's Transportation System Plan and Pedestrian Transportation Development Plan, Text Amendment #T-16-071). Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to co-adopt Ordinance 2017-01 (Weston's Transportation System Plan, Infill Plan and Ordinance No. 153-2015 Amending City of Weston's Transportation System Plan). Seconded by Commissioner Murdock. Carried, 3-0.**

4. Enterprise Zone Agreement. Chair Givens asked for the staff report. Mr. Olsen noted this is an application for an existing zone within Umatilla for the purpose of tax abatement under state statute. There is an automatic 3-year abatement and the application is to consider abatement for years 4 and 5. The Board action is to consider an additional two years of tax abatement -- 50% for year 4 and 25% for year 5. Paul Chalmers, Assessment & Taxation Director, noted this is continuation of a current plan by the developer and today's purpose is to address the current application. There is a partnership with the City of Umatilla and the zone has been established. From the Assessor standpoint, there are no hesitations to continue the process. Chair Givens noted a point of clarification -- this is not about a zone expansion -- this is about application of the existing enterprise zone to a site specific in the McNary area.

Mr. Chalmers introduced Brigit DuBois, Amazon, who works with the City of Umatilla and himself. He also introduced Helen Parker and Mike Grella, Economic Development Director. Mr. Grella expressed thanks for support from Umatilla and the County. He reported Vadata is employing over 100 people in the City -- over 1,000 full-time (not temporary jobs) with third parties, vendors, contractors, etc. Vadata is excited about more growth. This would be the fourth building on this piece of land. This is the land parcel with 3 other buildings. Commissioner Murdock commented about value noting the County is excited about that.

In response to a question from Chair Givens, Mr. Grellh advised a summary of investments, in line with prior applications, can be made available. Commissioner Elfering asked about tax abatements. Mr. Chalmers advised there is no history for year 5. From staff perspective, it is revenue for many besides the County (BMCC, Port, School District (with some state limitations) plus all other taxing districts receive additional revenue. It is a welcome injection of tax base. Mr. Grella noted in conversations of further expansion above what is on agenda today. They are thinking long term with sustainable growth and contributing to the area economy. They are consistently adding employees for each year in Umatilla. Regarding a question from Commissioner Elfering as to figures/statistics about living in Umatilla County, Mr. Grellh advised those figures can be made available -- direct and indirect employment and services. He did not have it on hand.

Chair Givens asked if there is an estimate of total employees when the facility is built. Mr. Grella advised the parcel of land discussed today is around 35 employees to each of three buildings and maybe add approximately 30 more people. The application shows an estimated 10% increase; however, additional expansion opportunity may be more than that. Chair Givens asked if there is a

negative possibility about pending bonds. Mr. Chalmers responded that Hermiston does not geographically overlay this site. This will enhance the tax base -- good news is even if Umatilla goes out for bond, it will not be adversely impacted --- it would actually reduce the bond liability for each person. He acknowledged Brigit DuBois has been awesome to work with. She has provided great technical knowledge for understanding this unique industry. Mr. Grella agreed and added they are looking to streamline the process moving forward -- not just growth, but limited resources can be used on most value-added activities. It is win/win compliance administration.

Chair Givens advised he wanted to allow for more comments as well as public comments after Board discussion/remarks. Commissioner Murdock noted that he and Mr. Chalmers have visited quite a bit and he echoed sentiments about working relationship being developed. He is familiar with impact fiscally on next year's budget. Significant impact is positive to the County as a whole and he wanted to do everything possible for ways to say yes. Commissioner Elfering added, as the Economic Development Commissioner, he is excited by the growth and opportunity. It is important to build tax base with more tax payers vs. more tax rates.

There were no comments from the public. **Commissioner Elfering moved to approve the enterprise zone agreement for years 4 and 5 (for tax abatement). Seconded by Commissioner Murdock. Carried, 3-0.**

5. Drug Court Travel Approval. Mike Graber, Community Corrections, presented. This is a request for Board consideration to send three staff to the National Association Drug Court Participants annual training conference in National Harbor, MD, July 9-12, 2017. It is a tremendous opportunity offering over 100 sessions specific to drug court operations as well as collaboration with other professionals for best practices. It is also an opportunity for team members to work with congressional staff regarding funding streams for local drug courts. Within the last year there has been 100% turn over in staff. The three proposed to attend are new to Drug Court: Judge Hill, Judge Hampton and Julia Rogenski-Westcot, Treatment Court Coordinator. For finance questions, Tammy Sundin, Community Corrections Office Manager, is present. Ms. Sundin reported that last year \$4,400 was awarded from Measure 44 treatment money and was set aside. Since then, personnel changes have happened and it now appears another \$2,100 out of contingency is available for the new fiscal year. Commissioner Elfering asked for more explanation. Ms. Sundin advised the \$4,400 was a grant available only this year. In the next fiscal year, there would be a small amount of expenses, but most funds would come out of this fiscal year. Commissioner Elfering noted drug court is an important program providing valuable experience. **Commissioner Elfering moved to approve the request for permission to send Judge Hill, Judge Hampton and Julia Rogenski-Westcot to the July national conference. Seconded by Commissioner Murdock. Carried, 3-0.**
6. STF Grants. Robert Pahl, CFO, reported. The Special Transportation Fund Committee met on Monday, 2/13, to review applications for funding. There are two funding streams through ODOT. Federal monies and STF formula monies are allotted each biennium for committee action. Input was received at the meeting and allocation was discussed; there was a decrease of funds this go-round. He further explained the two streams of money (5310 funding or STF formula funding) and how the committee looked at recommendations.

Commissioner Murdock commented that cigarette tax money is earmarked for senior citizen transportation items. Chair Givens also commented about increasing age of smoking age from 18 to

21, which would have an effect on taxes. Commissioner Elfering also pointed out a proposal to raise the cigarette tax significantly.

Chair Givens recognized STF Committee members present. Virginia Beebe, committee member (she started in the 90s) advised she feels this needs a closer look. Cricket Nicholson, new committee member, remarked she is looking to figure out how to work through this process – she does not feel the process was adequate for this go-round; agreed she wants to “redo”.

Theresa Dutcher, City of Milton-Freewater, advised she works with public transportation coordination as well as Human Resources at the City of Milton-Freewater. There are great transportation programs with good value. One problem from the last meeting she believed was program guidelines (Special Transportation through ODOT); and from 8/2016 Coordinated Transportation Services Plan is also used as a guideline as well as more committee guidelines, and they must consider the ODOT-grant cycle. There are a lot of guidelines and it is not cut and dried. She noted existing services would be covered first; budgets must be considered; eligible cities for 5310 grant (federal); and STF funds are used to match federal dollars. When STF dollars are cut, it makes it harder for seniors and the disabled. There is no hospital in Milton-Freewater, so people go to Walla Walla. When dollars are taken away, programs cannot be maintained and must be scaled back. ODOT notices providers in advance (via Robert Pahl, County CFO) thus cuts were made. STF Committee has a difficult job to do. She is concerned about a small committee – only three of six members were present at the 2/13 meeting. Two of the three were providers, which required them to be recused from action. She also commented on long meetings with a lot of ground to cover. Based on that, she sent out a letter of appeal to the Board. The City of Pendleton did the same. She thinks there should be a “do over”. She understands there is a deadline, but according to ODOT, there is time to work with the process. She asked for review of the meeting where there was a blanket percent off of dollars applied for. She elaborated about what entities requested – increases and decreases based on attendance at meeting.

Chair Givens advised, based on comments today and discontent about the results, and it being the first time this has happened, he is willing to reengage the process if necessary. He also understood the short deadline and the fact there is less money; unfortunately, someone has to suffer. In addition, he also understood the difficulty in getting a full contingent for this committee.

Linda Carter, Pendleton Finance Director and Transit Coordinator, thanked the STF Committee for their work. It is a tough decision. The last two to four years with committee decisions proving difficult, she suggested the need to determine a funding formula. They have historically just reduced all requests by a certain percent. This year it was on the amounts requested – all knew there was less money. She suggested looking to ODOT for advising on a formula that could work for Umatilla County. Based on that information given to the Committee, the process could be fairer. She asked consideration to go back to the STF Committee with no strings attached. Distributions could be worked out. 5310 funding is a different pot of money than STF. She suggested the Board could split approval and get part of the process moving. The STF is not tied to federal grants; the 5310 funding could be acted upon today. Leveraging extra dollars may need to be sought out. She handed out additional information for consideration, which showed what was awarded last year based on applications (for STF); no real formula based on rides or the like; the amount of money awarded after the 2/13 meeting. She expressed concerned about reduction in awards and reiterated the need for

Committee reconsideration. The key thing is STF should be reviewed in order to fund by July. She acknowledged STF Committee is in a tough spot and it has been difficult for the last 4-5 years.

Darrin Umbarger, Clearview Services and Chair of STF Committee. He talked about ridership and outside city limits as well as explanation about when they get paid for transporting someone and when they don't get paid (not paid for waiting for someone or getting to and from their home – paid for the ride only). It is comparing apples vs. oranges. Of total allowed, it needed to be divided among five non-profit entities and three cities. Allocations were difficult between non-profits and the cities. He agreed a formula is needed. He suggested possibly separating the non-profits from the cities, or some other way -- perhaps applying a percentage.

Commissioner Murdock expressed concerned in terms of resolving the issue today; it appears there may need to be someone from outside to suggest a formula. He's not sure about direct Board involvement. Mr. Olsen noted there will be potential conflicts (Commissioner Murdock is a CAPECO Board member and Commissioner Elfering is a Good Shepherd Board member.) Chair Givens asked about the timeline for 5310 funds. Mr. Pahl noted the deadline is the end of the month (February). STF application is due Friday (but he has heard it can be extended). Theresa Dutcher added she had heard from Frank Hoskins, ODOT, the deadline can be extended.

Virginia Beebe, STF Committee member. She has seen this coming a long time. The City of Pendleton and City of Milton-Freewater work closely together to try to be fair with each other. In light of the weak committee for various reasons, once the providers give presentations, she feels they need to step back and let the committee work it through. She suggests the Board approve the 5310 fund recommendation and let the Committee go back to look at the STF funds. She agreed with other comments it would be best to make sure rules are in place for the next go-round. If providers are willing to come back, she felt the Committee should review. She also felt hospital people need to step up for funds only where they can't be obtained elsewhere.

Chair Givens asked for a motion to approve the 5310 funds recommendation and asked Mr. Pahl to call the STF Committee back together. In addition, he asked Mr. Olsen if there is a way to review or come up with a formula. Mr. Olsen noted the need to take action and be done by the end of February. Mr. Pahl reiterated allocations are for the biennium. **Commissioner Murdock moved to approve the 5310 funding recommendation. Seconded by Commissioner Elfering. Carried, 3-0. Commissioner Elfering moved to refer the STF funding back to the STF Committee for further consideration and action. Seconded by Commissioner Murdock. Carried, 3-0.**

Discussion continued about how to meet deadlines; suggestion to perhaps have the County apply for the full amount of funds, then take more time to get a formula for allocation established. The next Board meeting is 3/8 (no quorum available on 3/1). Mr. Pahl will check about deadlines and the actual formal process. **Commissioner Murdock moved that the County apply for the full amount of STF funding and the Board will revisit this matter on 3/8/17 for specific allocations. Seconded by Commissioner Elfering. Carried, 3-0.** Mr. Umbarger asked if there will be a formula from the Board; Commissioner Murdock responded, no, the STF Committee must first discuss it.

Chair Givens commended STF Committee members for coming today to work through a difficult situation with less money available.

7. Wolf Depredation. Mr. Olsen presented. Due to a change in circumstances, there is a potential conflict with grant applicants. Action today is to replace Commissioner Murdock with Commissioner Givens on the Wolf Depredation Advisory Committee. **Commissioner Murdock moved to approve and adopt Order No. BCC2017-017. Seconded by Commissioner Elfering. Chair Givens abstained. Carried, 2-0.**
8. EOTEC Authority Board. Mr. Olsen presented. Vijay Patel's term in position on the EOTEC Board has expired. The City of Hermiston has approved his reappointment for a 4-year term. **Commissioner Elfering moved to adopt Order No. BCC2017-018. Seconded by Chair Murdock. Carried, 3-0.**
9. Pending Legislation. Mr. Olsen noted this is for Board support of Legislative Concepts 1898 (modifying jurisdiction for EFSC for wind energy facilities siting) and 1883 (for state agency coordination for DLCD applications). **Commissioner Elfering moved to approve support of LC1898 and 1883. Seconded by Commissioner Murdock. Carried, 3-0.** Commissioner Murdock instructed Mr. Olsen to provide a list to the Board of prior positive actions relative to Legislative Concepts and Senate Bills for tracking purposes.
10. Transportation Package Legislation. Mr. Olsen said this is an AOC request for all counties to show support for the transportation funding package. Commissioner Elfering noted budget discussion by his committee at AOC; it appears it is one of about 5 major pieces the legislature is working on. Chair Givens added he met with Representative Barreto and Senator Hansell to discuss a number of transportation issues, in particular, Ott & Airport Roads in Hermiston; also about OACES (statewide county transportation group) funding formula as discussed (proposal by Rep. Bentz). This includes a lot of work by Tom Fellows, Public Works Director, and Birk O'Brien, Morrow County Public Works Director. **Commissioner Elfering moved to approve and adopt Order No. BCC2017-019. Seconded by Commissioner Murdock. Carried, 3-0.**
11. Approve Grants for Athena Weston Education and Resource Enhancement. Mr. Olsen advised the AWERE Board has recommended eight grants for 2017 totaling \$154,925. **Commissioner Murdock moved to approve/adopt order BCC2017-021. Seconded by Commissioner Elfering. Carried, 3-0.**

There was no Executive Session.

Commissioner Reports.

Chair Givens noted he (and Commissioner Murdock) will attend the NACo Legislative Conference in Washington, DC 2/27-3/1/17. In particular, he will focus on court security, waters of the US, Secure Rural Schools and renewed funding call regarding public lands. There has been renewed effort to have federal lands given back to the States, but there is still the issue of costs to State (and ultimately counties) in order to manage federal lands. In addition, he will be part of EELU and is a new NACo Board member. Commissioner Elfering talked about federal lands being problematic to our county as some are very isolated and small areas and some are not connected. Chair Givens agreed and the same is true regarding Forest Service and BLM public lands. Plus, there are new faces for the Department of Interior, BLM, Forest Service and FEMA with changes forthcoming shortly.

Commissioner Elfering noted he will not attend NACo this year due to other meeting conflicts. Commissioner Murdock noted his main committee meetings are Saturday and Sunday (2/25-26). He will return to the office on 3/2. Chair Givens will be back in the office on 3/6.

Chair Givens advised he plans to hold a joint meeting with Morrow County in mid to late March (in Heppner). He also would like to have a joint meeting with Walla Walla County in the near future. Adjoining counties have common interests.

Commissioner Elfering noted conversations he has had regarding enterprise zones. More work is necessary regarding expansion or extension. It is important to work out details regarding all taxing districts and impacts to them.

He will attend a Town Hall meeting of the Joint Ways & Means Committee in Hermiston; his particular interest is the water issue in our county. In addition, he has interest in criminal justice funding (saving vs. spending).

Commissioner Elfering asked Mr. Pahl for input about enterprise zones. Mr. Pahl advised he doesnot want to discourage investment or any delays when it comes to enterprise zones. They are welcome in our County. Commissioner Elfering advised this zone is different than the Depot area enterprise zone – any discussion for that is premature.

Commissioner Murdock noted he is now Chair of the Wildhorse Foundation. This is a great honor.

The meeting adjourned at 11:06 a.m.

Respectfully submitted,

Melinda Slatt,

Executive Secretary, Umatilla County Board of Commissioners