

Morrow County Board of Commissioners Meeting Minutes
January 15, 2020
Port of Morrow Riverfront Center, Wells Springs Room
Boardman, Oregon

Present

Chair Melissa Lindsay
Commissioner Don Russell
Commissioner Jim Doherty
Darrell J. Green, Administrator
Kate Knop, Finance Director

Richard Tovey, County Counsel
Justin Nelson, County Counsel,
Karmen Carlson, Human Resources Director
Roberta Lutcher, Executive Assistant

Call to Order & Pledge of Allegiance: 8:59 a.m.

City & Citizen Comments: Mr. Green introduced the Gregg Zody, the candidate interviewing for the Community Development Director position.

Open Agenda: No items to add.

Consent Calendar: Chair Lindsay and Commissioner Russell requested to remove the Accounts Payable to Business Items.

Commissioner Russell moved to approve the following items in the Consent Calendar:

1. *Minutes: November 13, 2019*
 2. *Intergovernmental Agreement #19-031 with the Oregon Department of Energy, Energy Facility Siting Council, Special Advisory Group (reimburse County up to \$5,000 for expenses related to making comment); extending effective date of July 1, 2019 to June 30, 2021; and authorize Chair Lindsay to sign on behalf of the County.*
 3. *Sixth Amendment to Oregon Health Authority IGA #159824 for the Financing of Public Health Services (increase funding for Tobacco Prevention Education Program by \$12,370); and authorize Chair Lindsay to sign on behalf of the County.*
 4. *Fifth Amendment to OHA IGA #159175 for the Financing of Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services (award Aid and Assist funds in the amount of \$3,000); and authorize Chair Lindsay to sign on behalf of the County.*
 5. *Criminal Justice Commission, Justice Reinvestment Grant Program Agreement #JR-19-025; July 1, 2019 to December 31, 2021; \$125,592 to Community Corrections and \$14,488.02 to Domestic Violence Services; and authorize Chair Lindsay to sign on behalf of the County.*
 6. *Quitclaim Deed to Acquire Right-of-Way from Stiffler, LLC; true consideration is \$55.80; and authorize Commissioner Russell to sign on behalf of the County.*
 7. *Project Agreement (Structure Replacement, Homestead Lane Crossing Homestead Canal) with Columbia Improvement District.*
 8. *Letter confirming the appointment of Lisanne Currin to the Compensation Board*
 9. *Approve appointment actions by the Morrow County Advisory Board for Community Counseling Solutions: Remove Kieran Hawley; Appoint Carri Grieb and John Bowles*
- Commissioner Doherty seconded. Unanimous approval.*

Business Items

Accounts Payable

Commissioner Russell asked about purchases by employees in the Sheriff's Office at Sportsman's Warehouse and Coldwater Creek that were charged against "Uniform Expenses." This led to a discussion about the lack of parameters within current policy regarding what qualifies as a uniform, as defined by the IRS.

Commissioner Russell moved to approve the following Accounts Payable because the purchases were made, but to let Sheriff Ken Matlack know we think the two items discussed need to be returned or paid for personally by the employee:

1. *Accounts Payable, January 16th, \$191,090.01; Retirement Taxes, January 7th, \$21,357.70 & \$18,244.34*

Commissioner Doherty seconded. During the vote, Commissioner Doherty said, as a point of clarity, Commissioner Russell said "we think," but he also made it a directive. Commissioner Russell said they need to be sent back or paid for out of personal funds. Unanimous approval.

Public Hearing: Port of Morrow – Paterson Ferry Zone Change and Swap

County Counsel Justin Nelson explained the public hearing of January 2nd was theoretically in effect because the Findings of Fact were asked to be brought back to this meeting.

Stephanie Case, Interim Planning Director, added the testimony portion was closed but this has to be considered as a hearing today because tentative, not final approval was given on January 2nd.

Chair Lindsay called for abstentions or conflicts of interest.

Commissioner Doherty said he had none, other than what was reiterated at the last public hearing.

Commissioner Russell said, as stated in the past, he had a potential conflict of interest due to his relationship with Windwave Communications where he is a director and has a financial interest. He said he discussed this with Oregon Ethics Commission and they advised it was a potential conflict only and he can participate and vote.

Chair Lindsay said she had nothing additional from the prior hearings and asked if anyone had any reason to believe the Commissioners were not able to vote independently on the Findings; no response.

Mr. Nelson summarized the process to-date. He then said a lot of new information was presented after the Planning Commission Findings of Fact and because of that, they needed to be updated to take into account the different arguments made since the original Findings (Planning Commission). The updated Findings of Fact continue to be revised and are still in draft form. He said the first question for the Board is whether or not there has been enough time to review the new Findings. After approval of the Findings, he said the Board would next consider the adopting ordinance, its timeline and the emergency clause.

Ms. Case said the new additions to the Findings include the sales agreement and email communications that were put into the record at the last public hearing.

Commissioner Russell said either decision will likely be appealed by 1000 Friends of Oregon or the applicant. He said he preferred to move to the next step as it will ultimately be decided by the Land Use Board of Appeals (LUBA).

Commissioner Russell moved that we adopt as presented. Commissioner Doherty seconded. Chair Lindsay offered a friendly amendment that the motion include the County File Numbers listed in the Findings of Fact and Conclusions of Law in Support of the Approval of the Applications: AC-130-19, ACM-131-19 and AZM-132-19. Discussion: Chair Lindsay asked Mr. Nelson if the Findings were the County's Findings, meaning from a County perspective. He said yes, as a County whole, looking at it, in the middle-ground, it's the best perspective. Vote: Unanimous approval.

Commissioner Russell asked to address the emergency clause.

Commissioner Russell moved that we adopt the emergency clause with this land use finding, for discussion purposes only.

Discussion: Mr. Nelson and Ms. Case outlined the options, including timelines, available to the Board.

Commissioner Russell said his motion would be the third option outlined by Mr. Nelson: Include the emergency clause; first and second readings of the ordinance take place today; requires unanimous vote of the Board; effective either 21 days after adoption and mailing of the notice of decision with no appeal, or if a timely appeal is filed, then upon final resolution of the appeal.

Commissioner Doherty said he would not second the motion. He continued, this seems like a huge precedent to set when there has been no ask from the applicant to do an emergency clause, and the only suggestion has been that we err on the side of not doing an emergency clause.

Chair Lindsay has always railed against the emergency clause when it's been brought forth. Commissioner Russell led the charge at AOC (Association of Oregon Counties) hounding the Oregon Legislature and directing them no emergency clauses. I fail to see why we would go just arbitrarily put in an emergency clause. We might just as well set that as something we do on every land use decision that comes down the pike because there's been no ask, no reason. I've not seen anything initiating this process.

Commissioner Russell said the emergency clause here is different than the emergency clause at the State. The one at the State is to prevent someone from gathering signatures and filing a vote of the public to overturn something the legislature has done. He said we've done emergency clauses during his tenure as a Commissioner several times. He said his way of thinking was the applicant made a timely application, then there was a change in the Planning Department that delayed our process because the County couldn't certify that something had been done that everyone thought had been done. The opponent filed additional information after the Planning Commission Findings but before the BOC got those findings, an intentional delay tactic. The applicant made application timely and has been sitting there. He said he hated to see government slow stuff down and doing this just gets to yes or no faster. Commissioner Russell said he believed 1000 Friends will file an appeal on the last day, no matter which day it is. Motion died for lack of a second.

Commissioner Doherty moved to accept Ordinance Number ORD-2020-1, without the emergency clause. Commissioner Russell seconded. Discussion: Mr. Nelson said the first reading would take place today and the second reading on February 5th. Vote: Unanimous approval.

First Reading of Ordinance Number ORD-2020-1

Ms. Case provided the first reading of the ordinance by title:

“An ordinance amending the Morrow County Comprehensive Plan to change the designation of approximately 89.6 acres of real property on Bombing Range Road from Industrial to Agricultural, and changing the Zoning Map from General Industrial to Exclusive Farm Use, and amending the Morrow County Comprehensive Plan taking an Exception to Goals 3, 11 and 14, changing the Comprehensive Plan designation of approximately 89.6 acres of real property on Paterson Ferry Road from Agricultural to Industrial, and changing the Zoning Map from Exclusive Farm Use to Port Industrial and applying the Limited Use Overlay to the subject property”

Port of Morrow Executive Director Ryan Neal asked if it will be effective 90 days after February 5th. Chair Lindsay replied that would be May 5th, according to Mr. Nelson.

Business Items

Financial Statement Audit Review

Kate Knop, Finance Director

Cameron Anderson, Barnett & Moro

Ms. Knop explained Barnett & Moro conducted the County’s independent audit and single audit on financial statements. The single audit pertains to federal awards, she said.

Mr. Anderson provided an overview of his firm’s 145-page audit report.

Referring to page 134, “Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards,” Mr. Anderson said there were no comments or findings this year in the audit report, that report, the single audit or the report prepared for the State of Oregon.

A few comments by the Commissioners:

- Chair Lindsay sought clarification on how funds were chosen for review. Mr. Anderson explained the process and said if the Commissioners want them to select a fund other than what they have been reviewing, they can voice that preference. If there is a request outside the resources provided, Mr. Anderson said his firm could have “agreed upon procedures” with an engagement letter and estimate. He said if it is something that can be worked into the audit, they’d be able to talk about that too.
- Commissioner Russell noted pages 59-61 provided a good history of the retirement plan. He said it emphasized it’s not a sustainable model, in his opinion.

Budget Resolution No. R-2020-2 – Community Development Department

Kate Knop, Finance Director

Commissioner Russell moved to approve Resolution No. R-2020-2: In the Matter of Appropriations for Fiscal Year Beginning July 1, 2019, which adds the new Community Development Department, Personnel and Expenditures, in the amount of \$78,587. Commissioner Doherty seconded. Unanimous approval.

Comment Letters to Oregon Department of Energy – Shepherds Flat South & Central

Stephen Wreccics, GIS Planning Tech
Stephanie Case, Interim Planning Director

Commissioner Russell asked if this might be an opportunity to ask that light detecting radar technology be added to the Shepherds Flat Project. He said it was made a requirement in the Wheatridge and Orchard Wind Projects.

Ms. Case said she didn't know if they'd do it but it could be included in the letter.

Chair Lindsay agreed with Commissioner Russell, saying it sends a consistent message.

Commissioner Russell moved to approve both letters to Chase McVeigh-Walker with ODOE concerning the Request for Amendment 2 (Shepherds Flat South) and 3 (Shepherds Flat Central), with the addition of verbiage requesting they seriously consider the technology that allows the lights on the wind turbines to be off at night unless an aircraft is detected. Commissioner Doherty seconded. Unanimous approval.

Review Draft Letter to the Federal Aviation Administration

Sandi Pointer, Public Works Management Assistant

Ms. Pointer explained that in the past, the Road Department was allowed to perform work at the Lexington Airport that was counted toward the required matching grant funds for airport improvements. However, Public Works was recently informed that the FAA would no longer allow that. This means for the current FAA grant, the County needs to come up with \$100,000 in matching funds. Ms. Pointer said she applied for a \$90,000 COAR (Critical Oregon Airport Relief) grant and if successful, leaves \$10,000 remaining. The letter to the FAA states the County's disappointment with the decision and, in order to keep the grant, asks to be allowed to bid the project in 2020 and plan construction in 2021.

Commissioner Russell moved to approve the letter to Project Manager Kevin Latschaw with the FAA Northwest Mountain Region Office in Seattle. Commissioner Doherty seconded. Unanimous approval.

Break: 10:22-10:28 a.m.

Letter of Support, Boardman to Hemingway, Perpetual Easement on Navy Property

Chair Lindsay explained Idaho Power is in negotiations with the Navy regarding the easement for the B2H transmission line and requested a letter in support of a perpetual easement, rather than the 50-year easement proposed by the Navy. Chair Lindsay discussed her draft letter and her concerns if the easement is not perpetual. She also cited very recent examples of the Navy negotiating perpetual easements with its neighbors near the Bombing Range. The Board decided to bring this forward as an agenda item next week.

Irrigon Building Update

Darrell Green, Administrator

Mr. Green said contract negotiations continue with Fortis. He said Commissioner Russell informed him of a potential opportunity for furniture for the new building from the Umatilla Depot, which he planned to look at soon.

The Loop 5310 Discretionary Grant Application for Two-Way Cameras on Vehicles

Anita Pranger, Coordinator, The Loop

Ms. Pranger said the grant application for \$27,000 (50% match from STIF Funds) would be used to install security surveillance cameras for all vehicles in The Loop's fleet. The cameras would be for everyone's protection, both drivers and passengers, she said.

Commissioner Russell moved to approve the 5310 Discretionary Grant Application in the amount of \$27,000 and authorize the Chair Lindsay to sign on behalf of the County. Commissioner Doherty seconded. Unanimous approval.

County Administrator Evaluation

The Executive Session regarding the Administrator's evaluation was to be held prior to the BOC Meeting but will now be held after the BOC Meeting.

Department Reports

The Loop Quarterly Report

Anita Pranger, Coordinator

Ms. Pranger reviewed her report. She said the launch of the Port of Morrow-Hermiston fixed route proposed earlier this year, will be pushed back until the weather improves. This will lessen the likelihood that bad weather could impact the route, and would serve to earn the trust of potential riders and their employers by being on-time and reliable, she said. She also noted her final day before retiring will be February 7th.

Juvenile Department Quarterly Report

Christy Kenny, Director

Ms. Kenny reviewed her report of statistics and staff activity. Commissioner Doherty asked about her interaction with the School Resource Officers. Ms. Kenny explained the SROs try to do more preventive education with juveniles and their families before actually citing them. Ms. Kenny mentioned she has now been employed by the County for four months and things are going well.

Emergency Management Quarterly Report

As Undersheriff John Bowles was unable to attend, his report was reviewed in his absence.

Correspondence

- Forest Service Briefing Paper, Secure Rural Schools FY 2020 Reauthorization Updates

Commissioner Reports

- Commissioner Russell said last Friday's meeting of the Community Renewable Energy Association (CREA) saw Hood River County Commissioner Les Perkins appointed to the

chair position. Commissioner Russell said he was unsure of CREA's long-term viability given that most of its funding will go away. Commissioner Doherty commented contractual obligations to CREA would end if whatever defines CREA also ends. Discussion ensued.

Commissioner Russell discussed the hiring of Gina Firman Nikkel as AOC Executive Director, and activities related to his duties as co-chair of the Transportation and Economic Development Committee with Henry Heimuller (Columbia County).

- Commissioner Doherty reported on the Monday AOC Legislative Committee meetings.

11:22 a.m. Executive Session: Pursuant to ORS 192.660(2)(d) - To conduct deliberations with persons designated by the governing body to carry on labor negotiations

11:47 a.m. Closed Executive Session

Signing of documents

Adjourned: 11:50 a.m.