

**Morrow County Board of Commissioners Meeting Minutes**  
**November 10, 2021**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present In-Person**

Chair Don Russell, Commissioner Jim Doherty, Commissioner Melissa Lindsay, Darrell J. Green, John A. Bowles, Jason Hudson, Roberta Lucher, Justin Nelson, Sandi Pointer

**Present Via Zoom**

Kirsti Cason, Stephanie Case, SaBrina Bailey Cave, Bobbi Childers, Ronda Fox, Mike Gorman, Paul Gray, Lindsay Grogan, Deanne Irving, Crystal Jaeger, Christy Kenny, Kate Knop, Jaylene Papineau, Linda Skendzel, Heidi Turrell, Sherry Wright, Ivy Zimmerman; Non-Staff: Mike Jewett, JoAnna Lamb, Karen Pettigrew

**Call to Order, Pledge of Allegiance & Roll Call:** 9:00 a.m.

**City & Citizen Comments:** None

**Open Agenda:** No items

**Consent Calendar**

*Commissioner Doherty moved to approve the following items in the Consent Calendar:*

- 1. Accounts Payable & Payroll Payables*
- 2. Tax Refund Application from Gas Transmission Northwest, LLC*
- 3. Application #OSH to Build on the Right-of-Way from Zayo Group LLC*

*Commissioner Lindsay seconded. Unanimous approval.*

**Noting Veterans Day – November 11<sup>th</sup>**

Linda Skendzel, Veterans Services Officer

A short video honoring veterans was presented and Ms. Skendzel requested a moment of silence in recognition of the sacrifices made by veterans in the past, present and even those that will take place in the future. She also said the Marine Corps was organized on this day 246 years ago, November 10, 1775. Brief discussion.

**9:13 a.m. Public Hearing:** Order No. OR-2021-13: Transferring Existing Solid Waste Collection Franchise for Zone 1; and Approving an Agreement Granting an Exclusive Solid Waste Collection Franchise to Waste Connections of Oregon, Inc., doing business as Sanitary Disposal

Chair Russell opened the hearing and called for abstentions or conflicts of interest. He and Commissioner Doherty said they were residents of Zone 1 but didn't see that as a conflict. Commissioner Lindsay said she had no conflicts.

Chair Russell read how to offer testimony and called for the Staff Report.

Sandi Pointer, Public Works Management Assistant, said Hermiston's Sanitary Disposal, Inc., has been the franchisee for Zone 1 since 1994. Waste Connections of Oregon, Inc., is purchasing Sanitary Disposal, Inc., and is requesting to transfer the franchise and to approve an agreement

with the County. Ms. Pointer explained the Public Works Director, Matt Scrivner, also serves as the Solid Waste Management Administrator and provided a letter in support of the transfer of the Zone 1 Franchise to Waste Connections of Oregon, Inc. In addition, the Solid Waste Advisory Committee (SWAC) met in October and unanimously supported the transfer request, she said.

Chair Russell clarified, as a member of SWAC, he abstained from voting on this at the October meeting, knowing it would come before this Board. He then called for proponents to speak.

Commissioner Doherty questioned two different dates referenced in the documents. The agreement referenced November 10<sup>th</sup> while the Order referenced December 1<sup>st</sup>.

Jason Hudson, representing Waste Connections, said they were looking to the December 1<sup>st</sup> date and the Order stated if the sale did not go through on that date, the Order shall be null and void.

Mr. Hudson went on to congratulate the Jewett family and Bill Kick on nearly 50 years of service. He said Waste Connections also operates the Finley Buttes Landfill in Morrow County, as well as others in the Columbia River Gorge. He requested the Board support the transfer.

Mike Jewett said he was in favor of the transfer, effective December 1<sup>st</sup>, and was happy to answer any questions.

Commissioner Doherty said, “This is a five-year franchise we sign onto that’s redone annually, provided nothing goes awry...Is there a way for the County to say it won’t reup, so in five years we open it up and see what’s out there? Or provided the franchisee hits all the marks or corrects any misses, then it’s perpetual and can’t just be opened up?”

Mr. Hudson replied, typically that’s how it works unless the franchisee is missing the mark and not correcting things, then typically they’re renewed.

Commissioner Doherty said, “Counties must be able to set zones, right? We could effectively adjust the zone, potentially?”

Ms. Pointer said SWAC sets the zones and it was done through the Planning Department, in the past.

Commissioner Doherty talked about the zones in the Umatilla County area and noted Morrow County has just two zones. He said, “We could, not that I’d want to...”

Ms. Pointer said, “That opening up the plan and starts a whole new - we could do that, yes.”

Commissioner Doherty said if the County said no, he assumed the contract didn’t hinge on one municipality or zone.

Mr. Hudson said, “The purchase was for all of them, so it would definitely impact the sale.”

Chair Russell said each city has its own franchise area, so we’re just talking about the unincorporated areas outside the cities.

Commissioner Doherty wanted to know the following: The fees come before the Board and with the disposal company owning or managing both the landfill and the collections...if a franchisee came in and somebody else took over, the tonnage rate can’t be adjusted going into the landfill, those are all set, correct?

Mr. Hudson said yes, those are set and adjusted by CPI (consumer price index).

Commissioner Doherty said he thought having both the landfill and collections would drive down the costs and it will be able to go back to the constituents.

Chair Russell said that was a good thought but with the rate of inflation this year, Sanitary Disposal has probably already primed the pump for a rate increase this year. If so, they’ll come before SWAC to explain why they need it. They’ve been good about coming in annually.

Commissioner Doherty said the agreement references an annual report and he assumed that was happening.

Chair Russell said SWAC gets the annual report. Sanitary Disposal’s history has been to ask for small, periodic rate increases, which, he said, was his preference, rather than going for a longer period of time and requesting a large increase.

Commissioner Lindsay asked Ms. Pointer what she meant by “the plan?”

Ms. Pointer said it’s the Solid Waste Management Plan.

Commissioner Lindsay said it looked like there were a lot of reason for an update to the Ordinance. While we’re doing that, would we look at the Plan?

Ms. Pointer said, yes.

Commissioner Lindsay said when we’re talking costs, there were some unusual things in the document, such as it says trucks meet halfway on Baseline. If we’re talking costs of fuel, etc., she thought the County needed to look at the zones and make sure there aren’t two people’s trucks going a long way out that we could better be servicing and keeping costs down because of that. She said she hoped the County would look at those three things.

Chair Russell called for opponents to speak; no response. He closed the hearing to deliberate to a decision at 9:20 a.m.

Commissioner Lindsay asked who gets notified on these hearings. Does the other zone contract franchisee get notified?

Ms. Pointer said, yes, they were.

Chair Russell added they were also at the SWAC meeting.

Commissioner Doherty said it also says “customers,” maybe it came in our billing statement.

Ms. Pointer said the Zone 1 customers were notified.

*Commissioner Doherty moved to approve Order No. OR-2021-13 and accept the Agreement Granting an Exclusive Solid Waste Collection Franchise to Waste Connections of Oregon, Inc., doing business as Sanitary Disposal, its Successor and Assigns; Providing for Inspection & Providing Penalties (Continuing five-year Franchise. Beginning January 1 of each year the Franchise will be considered renewed for an additional five-year term unless there is at least 90 days’ written notice of intent to terminate by either party.) Commissioner Lindsay seconded. Unanimous approval.*

### **Business Items**

#### Memorandum of Understanding (MOU) between the Eastern Oregon Coordinated Care Organization (EOCCO) and the Twelve Eastern Oregon Counties

Justin Nelson, County Counsel/District Attorney

Henry O’Keefe, General Counsel, Greater Eastern Oregon Behavioral Health, Inc. (GOBHI)

Mr. Nelson explained in 2020 GOBHI requested an updated MOU with the twelve counties of the EOCCO, but due to several factors, some were still outstanding. Morrow County’s has not been signed and possibly was sent to an incorrect contact person. Mr. O’Keefe provided background information and offered to return in the near future for a more in-depth update. The Commissioners preferred to do this and agreed by consensus to table the MOU.

#### One-Month Review of County Counsel Contract

Justin Nelson, County Counsel/District Attorney

This was the one-month review of the scaled back County Counsel duties since Richard Tovey, former Deputy District Attorney and Co-County Counsel took a job elsewhere. Currently, requests for County Counsel review of documents, etc., are vetted through the Chair or Administrator. During the discussion, Mr. Nelson said having clarity as to when documents should be reviewed by County Counsel would be beneficial and he would attempt to make things clearer to all parties. He also suggested it might be appropriate for some departments to go directly to him, for example, the Planning Department.

Chair Russell stated he only had a few requests come to him, as did the Administrator, and he referred them on to Mr. Nelson. He then said the process should continue unless problems are encountered or until a new Deputy District Attorney is hired.

Mr. Nelson said department heads should reach out to the Commissioners if they encounter any issues, adding communication is important.

#### Building Codes Program Intergovernmental Agreement (IGA)

Tamra Mabbott, Planning Director

Ms. Mabbott explained the IGA has continued to be refined by both the County and the City of Boardman, but the City requested additional time for review.

Discussion turned to the IGA not being ready because it wasn't signed by the City, which has been past practice to have the other party sign first.

Commissioner Doherty said it was reaffirmed about a year ago that agreements, contracts, etc., need to be signed by the other party before coming to the Board. He mentioned a recent case where that didn't happen and the County wound up "with egg on its face." It's very important everyone is on the same page and the Board is the final signer, he stressed.

Chair Russell said the IGA would be rescheduled for a future meeting.

#### Command Team Update

- Emergency Manager, Paul Gray, said the federal mandate was discussed at Monday's Command Team Meeting. Oregon operates under its own OSHA Plan (Occupational Safety and Health Administration), which means Oregon OSHA has up to 30 days to include the federal mandate into its OSHA Plan. He contacted Oregon OSHA and was informed it's still being discussed and the timeline as to when the state plan would be amended to fit with federal guidelines was unknown.
- Human Resources Director, Lindsay Grogan, said the federal mandate means employers with 100 or more employees have to require the COVID vaccine or testing once a week, effective January 4, 2022. Furthermore, Morrow County has until December 5<sup>th</sup> to implement that policy and Ms. Grogan asked for direction from the Commissioners on the draft policy. She explained employers are not required to pay for tests and that the draft policy is subject to change, based on Oregon rules and union negotiations, for example. The Command Team plans to send an email to employees summarizing what the rules would entail, she added. Discussion.

#### Building Project Updates

- Courthouse Feasibility Study: DLR Group is working on the Board's request to provide information on a fourth option – building a new building, and they plan to meet the deadline for the final report to the Board.
- Morrow County Government Center: Furniture is being assembled and construction crews are sealing the masonry, grading the parking lot area to get ready for asphalt this week, and installing ceiling grids. Still waiting on the arrival of the bus bar and light fixtures. Some of the parts for the heated sidewalks were defective and will have to be reordered and expedited. Lumen/CenturyLink's engineer just informed the County there

aren't enough lines for the building and there are two options to correct the situation – create another pedestal or bore under Third Street. It will take six-to-eight weeks to properly install the lines. The anticipated move-in date is now November 29<sup>th</sup> or 30<sup>th</sup>.

### **Department Reports**

- The Planning Department Monthly Report was provided by Tamra Mabbott, Director
- The Treasurer's Monthly Report was provided by Jaylene Papineau, Treasurer
- The Assessment & Tax Quarterly Report was provided by Mike Gorman, Assessor/Tax Collector

### **Commissioner Reports**

Brief reports were provided.

### **Signing of documents**

**Adjourned:** 11:45 a.m.