

**Morrow County Board of Commissioners Meeting Minutes**  
**November 2, 2022**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present In-Person**

Chair Jim Doherty, Commissioner Melissa Lindsay, Commissioner Don Russell, Roberta Lutchter, Justin Nelson, John Murray, Sandi Pointer, Gerry Arnson, Tony Clement, Jeff Fox, Mike Hughes, Lisa Pratt, Ken Browne, Kevin Ince, Eric Imes, Mike Haugen, Brian Snyder, Lindsay Grogan, Paul Gray

**Present Via Zoom**

Deona Seix, SaBrina Bailey-Cave, Ronda Fox, Heidi Turrell, Linda Skendzel, Todd Lindsay, Jeff Wenholz, Emily Roberts, Mike Gorman, Rick Stokoe, Torrie Griggs, Bill Saporito, Marie Shimer, Lisa Mittelsdorf, Kristi Cason, Erika Lasater, Julie Baker, Kelsey Crocker, Yvonne Morter, David Sykes, Anna Browne, Karen Pettigrew, Tamra Mabbott, Patrick Collins, Katie Imes, Diane Kilkenny, Logan Stephens

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

Chair Doherty said the agenda was amended yesterday to remove the Update on Ambulance Services Mediation at the request of Elizabeth Heckathorn (mediator hired by Morrow County). He said if anyone was here for that item, make note of that.

**City & Citizen Comments**

Mike Hughes, Fire Chief, Boardman Fire Rescue District (BFRD), requested to be on the agenda. He said BFRD had been going through the process of seeking an ambulance transport license and had been vigilant in carrying through the process the County set forward and he believed his request was reasonable. He said he wanted to clarify that the rumor Amazon paid for BFRD's ambulance and paramedic program was absolutely false. BFRD purchased used ambulances by surplussing some older equipment, he explained, and the paramedics are paid through BFRD's payroll. The financials are open and shared at every BFRD Board Meeting, he added. The request for an ambulance transport license has been a very long process. He said he was perplexed as to why it continued to be delayed and why the Board of Commissioners (BOC) wouldn't take action on letting BFRD seek an ambulance transport license to the betterment of the community. Chief Hughes asked again to be on the agenda to seek an ambulance transport license letter – a letter verification to the state that verifies BFRD can seek an ambulance transport license, that's what the verification means. He said BFRD had no intention of using an attorney to mediate this. As a matter of fact, he said, BFRD's communication to its attorney a few weeks ago was they did not want to use attorneys to mediate the process, and Morrow County Health District's (MCHD) attorney was emailed saying as such. Chief Hughes added BFRD had been working through the mediation process designed by the BOC and they had been going through faithfully.

Chair Doherty said he appreciated his comments and, for clarity, he reiterated to Ken Browne the other day, and the paper indicated when the conversation came up last week that he kept trying to shut it down. The fact of the matter is, I was, he said. The discussion had been tabled and he was duty-bound to do that without a motion and second to un-table it. He said he originally

thought Ms. Heckathorn would be on the agenda today and he'd get the topic back on the agenda the following week. The County needed to be careful and not turn this into a discussion because attorneys for both BFRD and MCHD had reached in to the County; we have to tread lightly as we move forward. Next week, he was looking at a discussion on the ASA (Ambulance Service Area) and potential for a transport...and maybe some IGA (intergovernmental agreement) discussions with the partners, outside of what the County is doing. He said it's a large ticket item so nothing precludes the Board from putting it on but he suggested it be on the agenda and properly identified. Additionally, regarding the ambulance transport license request submitted by Chief Hughes, that in order for the County to build a certificate of need around it, he suggested providing more supporting documentation around this. He said he thought that would be more comfortable for the Board moving forward next week.

Chief Hughes said his first priority was patient care and he used this approach as helping their finances because that seemed to be this Board's focus, at the time. It's 100% about patient care, first and foremost. Yes, we could make a little bit of extra money, but again, it's about patient care, he stated.

John Murray, MCHD Board, said he appreciated Chief Hughes' comments about patient care and quality care. Right now, they're getting that and timely responses. Patients are taken care of. He said it seemed like every week BFRD wanted to be put on the agenda to approve ambulances. He appreciated the offer to mediate but he'd still suggest the BOC wait until the mediation was done. On the subject of mediation, he said the reason there wasn't a discussion today was because what was done by the mediator was illegal. He said he wanted legal mediation done, and to publish a report of how mediation was going during mediation was illegal in the State of Oregon. He asked that lawyers be involved who know the laws of mediation first, the laws of EMS (Emergency Medical Services) second. A lot will come out if we go the lawyer route and we'll get right down to brass tacks. We won't have people trying to influence a meeting, yelling outside in the hallway, etc. He said he wasn't impressed with how it's gone so far. The Health District wants mediation, no less than the Fire District but they'd like it done legally. Right now, the reason they weren't having a discussion was because it was illegal and that should tell us something right there.

Commissioner Russell said he didn't see how the Health District was providing the best customer care possible when people have to wait for out-of-area ambulances to come when the ambulance station in Boardman was already on a call or otherwise busy. The Health District's backup is Irrigon, but when the Boardman ambulance is on a call, the Health District repositions the Irrigon ambulance eight miles toward Boardman, which in his opinion, reduced the response time for Irrigon residents when there's a Boardman ambulance, or two, sitting on the adjoining property in the middle of Boardman with qualified paramedics on staff 24/7. When both those ambulances are busy, which happens occasionally, then you're relying on either an ambulance to come out of Umatilla County or Gilliam County. Again, there are a couple of ambulances sitting right there with qualified staff that could give much faster response times but because the Health District wants a monopoly on the market, you don't want that to happen. That's what the people in Boardman think, said Commissioner Russell. The people in Boardman think you have little value for their lives.

Mr. Murray asked Commissioner Russell what he thought was the greater danger – multiple ambulances racing to the scene or one positioned so it can respond within qualified times by Oregon Health Authority (OHA)? I can show you all the on-call stats for when they were paged out, when they arrived on the scene. Would you like to see them?

Commissioner Russell said, sure, he'd like to see them and he'd like Mr. Murray to explain to him and the citizens of Boardman how it's much better when there is a call for service out at Love's Truck Stop and the Boardman ambulance is already in route to Hermiston, and the Irrigon ambulance breaks down on the way, and then the Gilliam County ambulance out of Arlington gets paged out, and up to 40 minutes later, an ambulance shows up when there was one sitting in town that could have responded to that call. He said he knew it didn't happen every day, but if it happened to one of his friends or relatives, he wouldn't be happy.

Mr. Murray asked why Commissioner Russell thought he was against it and isn't that what mediation is for?

Commissioner Russell said it seemed to him the Health District was doing everything it could to block this mediation.

Mr. Murray said only mediation that's fair. For example, did the contract with the supervising physician, was it supervising or was it overseeing? Those kinds of things need to come out.

Chair Doherty said it felt like a tabled subject was being discussed.

Mr. Nelson said it could be set over a week or two as a Business Item. Anything can come up in public comment but if an item was removed from the agenda, then generally the public notice is it won't be fully discussed.

Mr. Murray encouraged legal mediation.

Commissioner Lindsay asked how the Board could encourage the two entities to get to that point. She continued by saying this had turned into political chaos and this Board was being disparaged left and right for something you all need to be adults and come together and talk through. She said she'd love to see the two entities mature-up and come together and talk through. If you care about patient care, it's not doing this. This is not patient care. Commissioner Lindsay said she wasn't a doctor, or EMS but she was tasked with an ASA Plan. This is ridiculous that they can't all be adults and actually do what they are saying, and that is care about patients. This room is not caring about patients, it's disparaging people, it's bullying people, it's threatening them to make the right decision on their behalf. Get in a room and figure out what mediation looks like because we tried and you all didn't make it work. You bullied, you walked out, you did whatever but you didn't make it work. So, figure it out. It's not ours to figure out, this is patient care. You are the patient care professionals.

**Open Agenda:** No items

**Consent Calendar**

Mr. Nelson said he had not yet reviewed the minutes of June 24, 2022 and requested they be set over one or two weeks. Chair Doherty said he had no challenge with it and would be happy to set it aside so he could go through it further.

*Commissioner Lindsay moved to approve the following items in the Consent Calendar, minus the minutes of June 24, 2022:*

- 1. Accounts Payable and Payroll Payables*
- 2. Federal Lands Access Program Assistance Agreement, Amendment #3; extending the period of performance of the agreement past the current deadline of December 31, 2022, now making it June 18, 2019 through June 30, 2023; and authorize Chair Doherty to sign on behalf of the County*
- 3. Oregon Department of Emergency Management, Homeland Security Grant Program, State Homeland Security Program, Grant No. 22-208; effective when fully executed and will terminate September 30, 2024; \$117,580 for generator at Morrow County Government Center; and authorize Chair Doherty to sign on behalf of the County*
- 4. Oregon Department of Emergency Management, Homeland Security Grant Program, State Homeland Security Program, Grant No. 22-236; effective when fully executed and will terminate September 30, 2024; \$29,690 for audio/visual equipment for the Upper Conference Room of the Bartholomew Building; and authorize Chair Doherty to sign on behalf of the County*

*Commissioner Russell seconded. Unanimous approval.*

**Retirement Recognition – Dave Pranger, Weed Coordinator/Inspector**

While Mr. Pranger was not in attendance, the Commissioners and Eric Imes, Public Works Director, took the opportunity to thank Mr. Pranger for his nearly 33 years with the County.

**Business Items**

Echo Solar, LLC, Payment in Lieu of Taxes (PILOT) Agreement

Jeff Fox, Gallatin Power

Mr. Fox said, as a refresher, they were developing the Echo Solar Project (maximum capacity of 1,250 megawatts alternating current (MWAC)). The project is primarily located on dryland wheat farm land and Pine Gate Renewables was now the owner of the project, he added.

Points of discussion:

- Echo Solar was requesting a 20-year agreement at the maximum amount/MWAC allowed by Oregon - \$7,000.
- The project will break ground in 2024 and a portion of the project will come online in the first quarter of 2026.
- The project will be along Bombing Range Road and will connect to the Blue Ridge Transmission Line using a second wire on the other side of Blue Ridge's line. Chair Doherty said he'd reference it as the Wheatridge transmission line.
- Echo Solar's tax estimate cost build-up assumed 440 MW of energy storage but in all likelihood, they cannot bring that much online in the beginning. The project will come online in phases and Mr. Fox said 400 MW online at a time would be an aggressive schedule.

- Commissioner Lindsay asked if an entity can buy Echo Solar’s “green labeled” energy directly. Mr. Fox said contractually, it can have a premium and be sold directly to consumers at a premium under different rate tariffs.
- Commissioner Lindsay expressed concern at the full 20 years. She said she didn’t know why the County would give up the extra \$40 million. She said she preferred five years or possibly 10 or 15, but 20 was too long.
- Mr. Fox said the reduced tax rate would be meaningful...the expectations are energy storage will be pricey in this time frame because of competition with electric vehicles and putting those batteries into vehicles instead, as it’s basically the same technology...this helps make it more attractive to put greater capital at work earlier...the additional five years of tax benefit was very helpful.
- Commissioner Lindsay asked the length of the Wheatridge/NextEra Project agreement. Mike Gorman, Assessor/Tax Collector, replied it was 15 years. She said it was at a higher amount and mentioned she wanted to be clear the Wheatridge line landowners had absolutely no interest in that line nor any benefit to that line so she had no reason to recuse and wanted to call that out.

*Chair Doherty moved to keep all else in the agreement the same and adjust the years to 17 and to sign the PILOT Agreement in the Agenda Packet with the exception being from 20 years to 17 years. Commissioner Russell asked the Chair to call for conflicts. Chair Doherty called for conflicts. Commissioner Russell said, for the record, he had a financial interest in a company called Windwave. We’ve had no direct contact with Echo Solar or their partners but he was in consultation with State Ethics and they suggested he declare a potential conflict of interest and still continue to participate. He said he had a potential conflict of interest although they had not had any contact. Commissioner Russell seconded. Commissioner Lindsay said, for clarity, she didn’t have a conflict because the word “Wheatridge” was used. She said it was a good compromise but she still thought it was too long and the County didn’t have to. She also wanted the record to reflect that she thought Commissioner Russell had an actual conflict but that was his to call out but she wanted the record to reflect that. Chair Doherty said Echo Solar referenced the line, etc., as a different sort of thing. Vote: Unanimous approval.*

**9:46 a.m. Public Hearing: Solid Waste Franchisee Rate Increase Request, Sanitary Disposal; Order No. OR-2022-8**

Sandi Pointer, Public Works

Kevin Miracle, Sanitary Disposal/Waste Connections

Chair Doherty called for abstentions and conflicts of interest; the Commissioners stated they had neither.

Mr. Miracle said he and the Solid Waste Administrator, Public Works Director Eric Imes, agreed the changes were needed. It was presented to the Solid Waste Advisory Committee (SWAC) on October 18<sup>th</sup>, where the vote was in favor of the request. Commissioner Russell was present at the meeting but recused himself from the vote, said Mr. Miracle. He went on to say Waste Connections preferred to do smaller yearly increases rather than waiting two or three years.

Chair Doherty called for proponents to speak; no response. He called for opponents to speak; no response. He closed the Public Hearing at 9:51 a.m.

*Commissioner Russell moved to approve the 5.5% rate increase request from Waste Connections, Inc., and approve Order No. OR-2022-8: In the Matter of Rate Increase for Solid Waste Collection by Waste Connections of Oregon, Inc., doing business as Sanitary Disposal. Commissioner Lindsay seconded. Unanimous approval.*

### **Business Items, continued**

#### Rate Increase Request – Finley Buttes Landfill

Sandi Pointer, Public Works

Jeremy Fink, Finley Buttes Landfill/Waste Connections

Nancy Mitchell, Finley Buttes Landfill/Waste Connections

Mr. Fink said the last rate increase request took place in 2009. The current request would increase municipal solid waste (MSW) from \$16.73 per ton to \$18.73, and increase all other categories 12.5% except asbestos materials. He said like others in the industry, they have been impacted by inflation, particularly fuel and labor costs. He said going forward, they planned to submit annual requests.

Commissioner Russell said SWAC made the recommendation this was a valid increase, explaining it affects those people who go directly to Finley Buttes, but not the people who have their cans picked up on a weekly basis.

*Commissioner Russell moved to approve the rate increase requested by Waste Connections. Commissioner Lindsay seconded. Discussion: Commissioner Lindsay asked, for clarity, this came with a recommendation from SWAC? Ms. Pointer confirmed it did. Commissioner Lindsay asked the impact on the average citizen. Commissioner Russell said it wouldn't impact someone having cans picked up on a regular basis but if someone hauls a large amount of refuse to Finley Buttes, it would. Ms. Pointer said it will increase the cost for the County to haul containers to Finley Buttes. Discussion continued on the need for there to be benefits to the citizens of the County for having the facility here. The possibility of opening up the transfer stations for County residents, like what occurred during COVID, was also talked about. Vote: Unanimous approval.*

#### Rock Pit Agreement, Mason Rock LLC

Eric Imes, Public Works Director

Mr. Imes said the term of the agreement was 10 years at \$0.50 per crushed ton of rock.

*Commissioner Lindsay moved to approve the Rock Pit Agreement with Mason Rock LLC; term to be 10 years commencing upon the signing by both parties (November 2, 2022) and terminating 10 years after that date. Commissioner Russell seconded. Vote: Unanimous approval.*

#### Resolution No. R-2022-22: Transfer of Appropriations for Sheriff's Office Roof Replacement

Tony Clement, General Maintenance Supervisor

Mr. Clement said when this process began prior to COVID, the estimated amount was under \$150,000. The bids received on October 13<sup>th</sup> came in at \$165,450 and \$180,000. Discussion.

Finance Director, Kevin Ince, said the amount of \$185,000 listed in the Resolution would be to cover change orders, etc.

*Chair Doherty moved to move forward with C&C Construction Services, Inc., Hermiston, at \$165,450; and to approve Resolution No. R-2022-22: In the Matter of Transfer of Appropriations for Sheriff Office Roof Replacement for Fiscal Year Beginning July 1, 2022. Commissioner Russell seconded. Discussion: Chair Doherty said it was a lot of money to put in there and at some point, the County needed to look at refreshing that or rebuilding that, not unlike the Public Health Building he's advocated for in Boardman. Vote: Unanimous approval.*

**Break:** 10:14-10:22 a.m.

Resolution No. R-2022-23: Transfer of Appropriations for Nitrate Emergency

Paul Gray, Emergency Manager

Chair Doherty said he listened to the audio from the Budget Committee Hearings in May and the group talked about earmarking an amount up to \$250,000 in a fund and it was bundled with some other items. Also, he informed the Board the state planned to cover the invoices the County paid for water delivery. In addition, they are planning to take that over, he said.

Mr. Gray said the County received \$16,000 in reimbursements from the business coalition and there were three new invoices out to them for a total of \$27,579. He said even though he asked for an extra \$60,000 to finish things, he hoped in the end, the County would have paid out less than the \$100,000 originally requested. As of today, he said, the expenditures were \$74,000 but there were a few bills that just came in that will put it over \$100,000.

*Chair Doherty moved to approve the \$60,000 into the Nitrate Emergency Fund and sign Resolution No. R-2022-23: In the Matter of Appropriations for Nitrate Emergency for Fiscal Year Beginning July 1, 2022. Commissioner Lindsay seconded. Discussion: Commissioner Russell asked if the issue over the documentation for the business coalition had been resolved. Mr. Gray said he was working to provide the documentation the business coalition needed to pay for some of the filter installations. Later in the discussion, Commissioner Russell requested a more detailed presentation on this budget. Commissioner Lindsay said as this moves into the recovery phase, maybe Mr. Gray and Ana Pineyro, Communicable Diseases/Emergency Coordinator, would return in the next few weeks to provide that presentation. Vote: Unanimous approval.*

Recruiting Plan for Chief of Staff

Lindsay Grogan, Human Resources Director

Ms. Grogan said the first review of applications would take place October 28<sup>th</sup> and she wanted to confirm the expectations of the Board for an interview panel. After discussion, the Commissioners directed her to include Department Directors and Elected Officials, at her discretion. Commissioner Russell reiterated his stance that the two Commissioner-Elects should be involved in the process. Commissioner Lindsay said they turned down that opportunity, and Chair Doherty said they were just citizens until they were sworn in.

Compensation Board Discussion

Lindsay Grogan, HR Director

Ms. Grogan asked what the Board wanted the 2023 Compensation Board process to look like.

Commissioner Russell said the counties used for comparison purposes were good but he suggested Ms. Grogan verify if all the members of the Compensation Board were qualified to serve since one of them no longer lived in the County. He also said the Justice of the Peace position should be included in the review by the Compensation Board, to which Commissioner Lindsay also agreed. However, they disagreed on whether the stipend paid to the District Attorney should be included in the Compensation Board's review. When Ms. Grogan said it should be reviewed somewhere, Commissioner Russell asked that it be brought to the BOC at the same time Ms. Grogan presents the materials going to the Compensation Board.

Discuss National Association of Counties' Funding Request to State Associations for a National Center for Public Lands Counties

After a brief discussion, the Board decided to bring the topic back on November 23<sup>rd</sup>, after the annual conference of the Association of Oregon Counties.

**Old Business**

Resolution No. R-2022-18: Increase Appropriations Due to Price Increase for Three Buses  
Katie Imes, Public Transit Manager

Ms. Imes said the buses will be used for the Boardman/Port of Morrow Circular fixed route. However, the price increased by \$162,000 since they were originally ordered July 2021, for a variety of factors. Mr. Nelson went on to explain the results of his research into the contract signed in 2021. He said the contract was between the Oregon Department of Transportation and Creative Bus Sales, not Morrow County, and one option could be to go back out for bid. The downside of that could be the County losing its place in the line for the buses that are now ready to be built.

*Chair Doherty moved to approve Resolution No. R-2022-18: In the Matter of Increasing Appropriations for Fiscal Year Beginning July 1, 2022 – Fund 225 STF Vehicle Reserve, in the amount of \$45,000. Commissioner Russell seconded. Vote: Unanimous approval.*

**Department Reports**

- The Sheriff's Office Monthly Report was provided by Lt. Brian Snyder
- The Finance Department Quarterly Report was provided by Kevin Ince, Director

**Commissioner Liaison Reports** – Not provided

**Correspondence** – None

**Commissioner Reports** – Reports were provided

**Signing of Documents**

Chair Doherty read the Executive Session citation (below) and said there was the potential for coming back with a decision.

**11:45 a.m. Executive Session:** Pursuant to ORS 192.660(2)(a) – To consider the employment of a public officer, employee, staff member or individual agent



**11:55 a.m. Closed Executive Session**

Chair Doherty noted the Board was back in open session and he would entertain a motion.

*Commissioner Russell moved to allow Human Resources to make the job offer at Step F. Commissioner Lindsay seconded. Vote: Unanimous approval.*

**Adjourned:** 11:57 a.m.