

**Morrow County Board of Commissioners Meeting Minutes**  
**May 16, 2018**  
**Port of Morrow Riverfront Center, Wells Springs Room**  
**Boardman, Oregon**

**Present**

Chair Don Russell	Mike Gorman, Assessor/Tax Collector
Commissioner Jim Doherty	Richard Tovey, County Counsel
Commissioner Melissa Lindsay	Kate Knop, Finance Director
Darrell Green, Administrator	Roberta Lutchter, Executive Assistant
Karen Wolff, Human Resources Director	

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

**City and Citizen Comments:** Mike Gorman, Assessor/Tax Collector, requested to discuss several items later in the meeting.

**Open Agenda:** Commissioner Doherty took the opportunity to congratulate Chair Russell on his re-election victory.

**Consent Calendar**

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

- 1. Accounts Payable dated May 17<sup>th</sup> in the amount of \$257,926.37; Void Check dated March 8<sup>th</sup> in the amount of \$1,998; 2018 Q1 SUTA/WBF Quarterly Payment dated April 27<sup>th</sup> in the amount of \$23,966.93*
- 2. Minutes: May 2<sup>nd</sup>*

*Commissioner Doherty seconded. Unanimous approval.*

**9:02 a.m. Public Hearing on the Approved Budget for Fiscal Year 2018-2019**

Finance Director Kate Knop said the purpose of the Public Hearing was to discuss the Budget for the Fiscal Year beginning July 1, 2018 as approved by the Morrow County Budget Committee. She noted a summary of the Budget was available at the meeting, as well as at the Bartholomew Building between the hours of 8:00 a.m. and 5:00 p.m., Monday-Friday, or online at [www.co.morrow.or.us](http://www.co.morrow.or.us). She noted the total budget is \$37,857,309.

Chair Russell asked if there were questions from the audience or Board; there was no response. Ms. Knop said the budget is slated for adoption by the Board at the end of June.

**9:04 a.m. Closed Public Hearing**

**Business Items**

State Agency Updates – Lost Valley Farm

Wym Matthews, Oregon Department of Agriculture (ODA), Confined Animal Feeding Operations (CAFO), Program Manager

Don Butcher, Department of Environmental Quality (DEQ), Water Quality Permit Manager, Eastern Region

Mike Ladd, Oregon Water Resources Department (OWRD), North Central Region Manager

Greg Silbernagel, OWRD, Watermaster, District 5

The State agency representatives explained their agency's part in the various permit approvals for Lost Valley Farm. They discussed their coordinated efforts in what was a complex process for a facility of this size (23,000 cows). Non-compliance at the dairy became an issue early on and is still being dealt with, even as the dairy goes through bankruptcy but continues to house a much smaller herd of approximately 8,000 cows.

Commissioner Doherty brought up the subject of keeping the County better apprised as issues develop in the future on this, or any other projects. Mr. Butcher said he would talk to his agency's Deputy Director about a process to keep the County informed. He said he would also work with ODA to come up with some sort of arrangement. Mr. Matthews agreed that something could be developed.

At the end of the presentations, statistics were reviewed regarding the public comments received during the Lost Valley Farm permitting processes. Mr. Matthews explained many of the comments were not responsive to the permit, meaning they did not speak to the specific parameters of the permit under review. Mr. Matthews provided details on the 4,280 comments received for the CAFO permit:

- 1,041 were from another state, or 24.3%
- 841 were from another country, or 19.7%
- 2,387 were from other cities in Oregon but outside the cities that ring the facility (Boardman, Hermiston, Ione, Irrigon, Stanfield, Arlington)
- 2/10<sup>th</sup> of 1% were from the cities that ring the facility

Mr. Butcher discussed DEQ's second round of comment, which focused on environmental justice. That comment period attempted to gather comment from under-represented populations, for example. He said not one single negative or adverse comment was received. All comments were in favor of the dairy, he said. Mr. Matthews agreed, saying the local comments during that phase were overwhelmingly positive.

Resolution No. R-2018-11 – A Resolution Opposing Oregon Initiative Petition 43 (ban on certain firearms and magazines with more than a 10-round capacity) and Initiative Petition 44 (firearm storage, control, transfer and reporting)

Commissioner Doherty commented this Resolution doesn't say the Board is for these particular kinds of weapons, but instead asks to hold to laws already in place. This is a chance for us to weigh in and say enough is enough, he added.

Chair Russell recounted his experience as a hunter education instructor and said gun safety is very important. However, passage of IP 43 would make him a criminal by virtue of owning a Ruger hunting rifle, he said.

*Commissioner Doherty moved to approve Resolution No. R-2018-11 – A Resolution Opposing Oregon Initiative Petition 43 and Initiative Petition 44. Commissioner Lindsay seconded. Unanimous approval.*

#### Grants to Cities Funding Formula Discussion

The Fiscal Year 2018-2019 Budget includes \$400,000 for Grants to Cities, those being the County's five incorporated cities/towns: Boardman, Heppner, Irrigon, Ione, and Lexington.

*Chair Russell moved to split the \$400,000 in Grants to Cities funds as follows: each of the five cities/towns will receive \$50,000; in addition, the remaining \$250,000 will be distributed based on current population numbers from Portland State University's Population Research Center, which translates to \$72,797 for Boardman; \$25,935 for Heppner; \$39,553 for Irrigon; \$6,609 for Ione; and \$5,107 for Lexington. Commissioner Doherty seconded. Unanimous approval.*

#### Request for Road Vacation of Unnamed County Road

Matt Scrivner, Public Works Director

Carla McLane, Planning Director

Mr. Scrivner said he received a request from the Port of Morrow for a road vacation of an unnamed County road near the intersection of Columbia Lane and Laurel Road.

Ms. McLane provided a short history of road vacations by the County, specifically, why a previous County Court raised fees from \$150 to \$1,500. She also said road vacation requests do not require public hearings, but do require reports by the Public Works Director and Planning Director to the decision making body (Board of Commissioners).

Ms. McLane, Mr. Scrivner and Mr. Gorman discussed possible options for this particular road vacation and ultimately agreed they would work with the Port of Morrow and report back.

Chair Russell said he would like fees to cover the costs incurred by the County, but at the same time, not be unreasonable.

Commissioner Lindsay said she wanted it clear, past history shows the County does not waive fees. She then cited a fee waiver request from a non-profit organization that was denied by the previous County Court.

#### Draft letter regarding Wheatridge/NextEra Energy, Inc., Site Certificate Amendment Process

Carla McLane, Planning Director

Ms. McLane said the discussion of drafting this letter took place last week during her update, and the Board requested it be brought forward for consideration today. She said she worked with Mr.

Green on the draft, which addresses two items raised by the Oregon Department of Energy (ODOE) – turbine specifications and battery storage. Chair Russell discussed the two processes available to ODOE, Type A and Type B. Type A requires public hearings and would likely take years, while Type B is administrative and would be much shorter, he said.

Commissioner Doherty said he stood in opposition to wind energy when he ran against former Commissioner Leann Rea. However, when he found himself in the position of negotiating with a wind energy company on behalf of the County, he was able to “move the needle” from \$45,000,000 to \$51,000,000 because of that stance. He said he agreed with sending the letter to ODOE.

*Commissioner Doherty moved to approve submitting the letter to the Oregon Department of Energy and copying Governor Kate Brown. Chair Russell seconded. Discussion: Commissioner Lindsay recused herself from the vote and signing of the letter. She said she was a voice of opposition in the initial application and is a participating landowner. Vote – Aye: Chair Russell, Commissioner Doherty. Recused: Commissioner Lindsay. Motion carried.*

#### Requests from Mike Gorman, Assessor/Tax Collector

- Mr. Gorman said the last day to pay County taxes before they become delinquent was May 15<sup>th</sup>. Lost Valley Farm declared bankruptcy and owes around \$360,000. The County is a secured lienholder and needs to file proof of a claim, he said. In the past, the County has worked with the Portland law firm, Sussman Shank, he said.
- Mr. Gorman said his office continues to work with the County Surveyor and County Counsel regarding the County-owned property on Elder Street in Heppner. That property was acquired through foreclosure but has some issues with the legal description. The County is attempting to remedy it via quitclaim deed with the neighboring landowner, who has indicated a willingness to do so. Mr. Gorman said people have been asking when the property will be available for public auction.

#### **Commissioner Reports**

Recent and upcoming meetings were discussed. Commissioner Lindsay provided an update on the Association of Oregon Counties, Court Facilities Task Force meeting where Morrow County’s funding proposal for Courthouse repairs was ranked. She said Morrow County tied for sixth place, as did three other counties. Morrow County is more than likely positioned for funding, she explained, if the legislature appropriates the funding.

**Break:** 11:15 a.m.    **Resumed:** 11:28 a.m.

**11:28 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

**11:31 a.m. Closed Executive Session:** No decisions

**11:31 a.m. Executive Session:** Pursuant to ORS 192.660(2)(f) – To consider information or records that are exempt by law from public inspection

**11:51 a.m. Closed Executive Session:** No decisions

**Adjourned:** 11:51 a.m.