

Morrow County Board of Commissioners Meeting Minutes
February 22, 2023
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present In-Person

Chair David Sykes, Commissioner Roy Drago Jr., Commissioner Jeff Wenholz, Roberta Vanderwall, Roberta Lutcher, Justin Nelson, Kevin Ince, Tamra Mabbott, Jaylene Papineau, Bobbi Childers, Lindsay Grogan, 32 non-staff participants

Present Via Zoom

SaBrina Bailey-Cave, Robin Canaday, Linda Skendzel, Christy Kenny, Deona Siex, Derek Gunderson, Heidi Turrell, Kelsey Crocker, Kirsti Cason, Sandi Pointer, Mike Gorman, Yvonne Morter, Kevin Ince, 60 non-staff participants

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

Swearing-In of Roy Drago Jr.

Mr. Drago was sworn-in as Commissioner (Position 1) by Clerk, Bobbi Childers. He takes on the remainder of Jim Doherty's term, which ends January 6, 2025.

City & Citizen Comments

Mike Brandt, Zooming in from a conference room in Boardman, arranged by Oregon Rural Action (ORA), said he had a water problem and asked when there would be a person in Public Health working on the nitrate issues. Chair Sykes asked Mr. Brandt what position he meant. He replied, the #75 but added he was unclear on that. Public Health Director, Robin Canaday, said it was on the agenda today. After that, it will be sent to the Oregon Health Authority (OHA) for signatures, but she anticipated that position would start within the next week. Mr. Brandt said that only partially answered his question because he also wanted to know what the focus of the job will be. Ms. Canaday explained the person will be doing outreach and education and would be working on the nitrate issue.

Linda Skendzel, Veterans Services Officer, talked about the point-in-time count held in January for eastern Oregon counties, including Morrow, for sheltered and unsheltered veterans.

Jim Landruth, also from the conference room in Boardman, said their concern was if the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee was going to be looking at the problems caused by nitrates in the area. Chair Sykes said the Board would be appointing a Commissioner to that committee today and suggested Mr. Landruth attend their meeting to get a feel for their agenda because it was separate from the Board of Commissioners.

Ethan Akers, Zooming from the same conference room, said today's agenda included an item for requests for Congressionally Directed Spending and asked that the Board put safe drinking at the top of the list. Chair Sykes said this was a complex issue that involved the whole LUBGWMA area, not just Morrow County, and the state needed to be involved, as well. We have a federal grant and Planning Director Tamra Mabbott was working on how to develop a long-term plan to address the issues, moving forward, he added.

Zaira Sanchez, Director of Community Organizing, ORA, thanked the Board for continuing to hear their concerns.

Open Agenda: No items

Consent Calendar

Commissioner Wenholz removed the OHA Intergovernmental Agreement (IGA) to Business Items.

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

- 1. Independent Contractor Agreement with Wolfe Consulting, LLC; assistance with budgeting, budget software, accounting and reporting and other finance services as required; \$215 per hour, not-to-exceed \$25,000; effective January 1, 2023 and will terminate December 31, 2023 unless terminated or contractor completes the services required*

Commissioner Drago seconded. Vote: Unanimous approval.

Business Items

Tenth Amendment to OHA IGA #169524 for the Financing of Public Health Services, Program Element 75

Commissioner Wenholz asked Finance Director, Kevin Ince, if the County was in receipt of the funds for Program Element 75 or whether it was paid on a reimbursement basis. Mr. Ince said it was reimbursement and a specific appropriation for this amount wasn't made because the Public Health Department budget had a significant underspend, year-to-date. The County can absorb the expenditure, so a budget adjustment request was not brought to the Board, he said.

Commissioner Wenholz moved to approve the Tenth Amendment to OHA IGA #169524, Public Health Services, Program Element 75; and authorize Chair Sykes to sign on behalf of the County. Commissioner Drago seconded. Vote: Unanimous approval.

Discussion – Request to Repeal Ordinance MC-C-4-98: In the Matter of Regulating Ambulance Service Providers

The Board listened to Boardman Fire Rescue District Chief, Mike Hughes' reasoning as to why the 1998 ordinance should be repealed. Chief Hughes provided a brief overview of Oregon's statutes and rules that assure ambulance services are provided. He said it appeared Morrow County crafted an Ambulance Service Area Plan (ASA) in 1993 that was approved by OHA, as required by the ordinance and rules. Every five years, OHA must receive an ASA plan from the County. Once a plan, usually submitted in draft form, has gone through the process with OHA, it comes back to the county to be adopted into an ordinance every five years, which is very clear in Oregon Revised Statutes (ORS). In 1998, that plan was not submitted to OHA for approval, as documented in a February 1, 2021 email Morrow County received from OHA requesting an ASA because they hadn't received one since 1993. Therefore, the process has been missed through the laws for over 24 years. Since this 1998 ordinance didn't follow a process, it could be argued it's invalid. He said his recommendations would be to repeal the ordinance and if that happened, temporarily assign an administrator, such as the Public Health Department or County Emergency Manager and let them research and come back to the Board with a permanent

solution. Chief Hughes' further recommendation was to have Elizabeth Heckathorn, who was hired by the County to mediate this issue, rewrite a new ASA plan. He provided details on the response models that should go into a new ASA plan. Chief Hughes said if the ordinance was repealed, nothing would change with ambulance services since Morrow County Health District was the only licensed operator in the County.

Emily Roberts, Morrow County Health District, Chief Executive Officer, said she did not agree the County was out of compliance and neither did OHA. She said she provided a letter in the Agenda Packet from OHA that the County was in compliance and OHA had approved the plan. Ms. Heckathorn confirmed that in the public portion of the pre-mediation meeting, she stated. Ms. Roberts said not every county has ASA plans as an ordinance, Morrow County's is, and it's up to the County to determine whether or not it should be...but the County does have to adopt it. She talked about the 10-member EMS (Emergency Medical Services) Committee required by the plan that makes recommendations to the Health District. Ms. Roberts discussed the location of the Health District's ambulances in the County and cited various statistics.

Commissioner Wenzholz said he viewed it as the County submitted a draft to OHA. OHA redlined it and returned it but the Board never had a chance to review it and formally adopt it. He said from his perspective, the County has never accepted the changes required by OHA.

Ms. Roberts said that was a valid point, and they did bring that forward to the BOC a few times that it could be readopted or reopened. However, because OHA adopted the plan, they legally consider that to be the County's plan so the County would have to go back to OHA and reopen it, if the County chose to. In the absence of that plan being considered effective, the law says it reverts to the previous plan, which is largely the same except it doesn't have the definitions updated and the items OHA wanted to see, she said.

Chair Sykes said for transparency, the Health District does do business with a business with which he's associated, Sykes Publishing. He said he called the Oregon Government Ethics Commission yesterday and was told he did not have to recuse himself because there was no direct monetary detriment or benefit, either way, on any decision about this. The Ethics Commission representative suggested he announce it for transparency and to be upfront, said Chair Sykes.

Chair Sykes then asked Justin Nelson, County Counsel, for an analysis of what was just presented.

Mr. Nelson said when he saw this on the agenda he was surprised because the idea of repealing the ordinance had not come up before. While the ASA plan has been talked about a lot, he said, that aspect has not been looked into. Mr. Nelson asked for more time to come back with an analysis. After discussion, the Board agreed to reschedule Mr. Nelson's analysis of the effects of repealing the ordinance to March 15th.

Commissioner Wenzholz moved to grant County Counsel, Justin Nelson, time to research Ordinance MC-C-4-98 and the effects of repealing and replacing it. Commissioner Drago seconded. Vote: Unanimous approval.

Recommendations to Forward to Budget Committee Regarding Position Reclassification & New Employee Requests

Lindsay Grogan, Human Resources Director

Ms. Grogan provided a recap of the requests made at the February 8th BOC Meeting. Her revised total fiscal impact for 14 positions (including new, reclassified and promotions) was \$902,816.

Commissioner Drago said he had some questions concerning the three new Patrol Deputy positions in the Sheriff's Office and wanted to see call-sheets that showed an increase in calls over the last 10 years.

Commissioner Wenzholz suggested the Board tentatively approve the requests going forward to the Budget Committee, and in the interim, the Sheriff's Office could meet with Commissioner Drago and that information could come to the Budget Committee, as well.

Commissioner Wenzholz moved to adopt what was before the Board for Reclassification and Full-Time Equivalent (FTE) requests to forward to the Budget Committee. Commissioner Drago seconded. Vote: Unanimous approval.

Results of Public Health Department's Triennial Fiscal Review Findings and Plan for Corrective Actions

Robin Canaday, Public Health Director

Kevin Ince, Finance Director

Mr. Ince said the review of the Public Health Department covered fiscal years ending 2019 to 2022. The Agenda Packet included two documents from OHA: Fiscal Review Tool, which was a list of topics, areas, or specific questions reviewed for specific compliance, he said. The County had a number of items deemed "out of compliance" that were all related to financial accounting practices. The second document, Triennial Review Report, incorporated the action plan and timing of its implementation. Mr. Ince then went into the Findings and Corrective Action Plan in greater depth.

Commissioner Wenzholz said he assumed the policies Mr. Ince would be developing for Public Health would also apply for the County, as a whole. Mr. Ince agreed and said he'd be bringing forward practices and policies in the next three months to ensure the County was in compliance, particularly as a recipient of federal funds.

Second Reading, Ordinance ORD-2023-1, Adding Ella Pit Site to Goal 5 Inventory

Tamra Mabbott, Planning Director

Commissioner Wenzholz stated he was on the Planning Commission when that body recommended this be forwarded to the Board of Commissioners and it could be viewed as ex parte contact.

Mr. Nelson provided the Second Reading by title: "Ordinance No. ORD-2023-1: An Ordinance Amending the Morrow County Comprehensive Plan to Add a Significant Aggregate Site to the Goal 5 Inventory."

Commissioner Wenholz moved to approve Ordinance No. ORD-2023-1 and finalize the land use actions, Comprehensive Plan amendment, Zoning Map amendment and Conditional Use Permit CUP-N-357-22. Commissioner Drago seconded. Vote: Unanimous approval.

Appoint Commissioner & Alternate to the Lower Umatilla Basin Groundwater Management Area Committee

Tamra Mabbott, Planning Director

Ms. Mabbott said she has been serving as the representative in the interim. She said last fall, the Department of Environmental Quality (DEQ) did a “reset of the LUBGWMA” as the committee had been acting more informally than intended and by statute. She said she confirmed at the last committee meeting that the County’s appointees will also be appointed by DEQ. She added she would continue to be available and be technical support staff for the work of the committee.

Commissioner Wenholz moved to appoint Commissioner Drago as the primary representative to the LUBGWMA. Discussion then took place on schedule availability, the requirement to notice LUBGWMA meetings if two Commissioners attended and the advantages of Ms. Mabbott’s continued involvement. Commissioner Wenholz said his motion was for Commissioner Drago to be the primary representative and Ms. Mabbott to be the alternate. Chair Sykes seconded. Vote: Unanimous approval.

Break: 10:34-10:39 a.m.

Budget Committee Appointment Request

Kevin Ince, Finance Director

Mr. Ince requested the Board appoint one of two applicants for the remainder of the term formerly held by Commissioner Wenholz. Discussion.

Commissioner Drago moved to appoint Gibb Evans to the Budget Committee; term ending June 30, 2023. Commissioner Wenholz seconded. Vote: Unanimous approval.

Morrow County Public Transit Advisory Committee Appointment Request

Benjamin Tucker, Transit Manager

Mr. Tucker requested two appointments – Jamie Stewart as Alternate for the Port of Morrow Employer/Employee position, and Anne Morter to the position representing Ione.

Commissioner Wenholz moved to appoint Anne Morter and Jamie Stewart to the Morrow County Public Transit Advisory Committee; terms to be February 22, 2023 to February 22, 2026. Commissioner Drago seconded. Vote: Unanimous approval.

Upcoming Meeting Schedule

Chair Sykes said the Circuit Court approached the BOC Office with a request to use the Upper Conference Room for jury selection on March 1st, the same date as a BOC Meeting. He said the decision was made to accommodate the request but it meant rearranging the meeting locations for March only. The March 1st BOC Meeting will be held in Irrigon and the March 15th meeting will take place in Heppner. Commissioners Wenholz and Drago agreed with the changes.

Review BOC Committee & Board Assignments

The Commissioners agreed on new assignments, primarily for Commissioner Drago.

Requests for BOC Input on Congressionally Directed Spending (CDS) Grant Projects by Departments

Tamra Mabbott, Planning Director

Robin Canaday, Public Health Director

Kathleen Cathey, Field Representative, Senator Ron Wyden

Nick Ducote, Grant Writing Consultant

Ms. Mabbott said the current round of requests for CDS funds (submitted to the offices of Senator Ron Wyden and Senator Jeff Merkley) needed policy guidance from the Board as multiple departments had ideas for projects. She said the Port of Morrow Executive Director, Lisa Mittelsdorf, planned to submit five requests but she preferred the County take one over and submit it. Ms. Mabbott said it was related to clusters of housing that need water systems and what that next level would be if it received funding.

Ms. Cathey explained Sen. Wyden is the Chair of the Finance Committee, while Sen. Merkley is Chair of the Appropriations Committee. She said she and Jessica Keys, eastern Oregon Field Representative for Sen. Merkley, have coordinated to provide guidance to constituents on the funding opportunity. She talked about the submittal process and suggested a variety of requests be submitted.

Mr. Ducote said he was currently working on a request for funding for a transit facility for The Loop/Morrow County Public Transit. When applications are submitted, he said, they require a priority number. What will the priority ranking number be for each request, he asked? Mr. Ducote also discussed the currently unknown amount of matching funds that will be required for the transit facility grant.

Discussion continued. The Commissioners agreed with Ms. Mabbott's and Ms. Mittelsdorf's ideas. Ms. Mabbott's request was for engineering and capacity costs to extend city water in areas of Morrow County. Commissioner Wenholz said if these become annual opportunities, Department Directors should prepare the requests in December. Ms. Cathey went on to suggest the Board consider holding a retreat to discuss its visions and goals for the County.

Commissioner Drago said he felt staff now knew the Board's priorities but he asked that the Board be informed of the results at the March 1st meeting.

Department Reports

- The written Road Department Monthly Report was reviewed, as submitted by Mike Haugen, Assistant Road Master

Correspondence: None

Commissioner Reports: Brief reports were provided

Signing of Documents and Adjournment: 12:00 p.m.