

Morrow County Board of Commissioners Meeting Minutes
March 15, 2023
Bartholomew Building, Upper Conference Room
Heppner, Oregon

Present In-Person

Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Roy Drago Jr., Roberta Vanderwall, Kevin Ince, Roberta Lutchter, Justin Nelson, Jaylene Papineau, Eric Imes, Tony Clement; Non-Staff Participants: Mike Hughes, Larry Lutchter, Emily Roberts

Present Via Zoom

Robin Canaday, Christy Kenny, Mike Gorman, Tamra Mabbott, Gina Wilson, Kirsti Cason, Linda Skendzel, Heidi Turrell, Benjamin Tucker, Bobbi Childers, Paul Gray, Deona Siex, Sandi Pointer; Non-Staff Participants: Karen Wolff, Carla McLane, Ana Maria Rodriguez, Kelly Doherty, Zaira Sanchez

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

City & Citizen Comments:

Ana Marie Rodriguez, Oregon Rural Action (ORA), thanked Commissioner Drago for participating in an event on March 11th that had volunteers going door-to-door in Boardman. Zaira Sanchez, ORA, also thanked Commissioner Drago for attending the volunteer outreach day. She said 14 volunteers contacted residents who hadn't had water testing. She said she was looking forward to the next event in Irrigon and suggested people contact the Public Health Department for additional information.

Kelly Doherty, Boardman, said she previously made a request to have Zoom meetings uploaded and to allow Spanish speakers to read those minutes off of Zoom. She also went on to offer comment on five items listed on the agenda: 1.) Request for Letter in Support of Ambulance Licensing; 2.) Request for Letter of Support, PGE Hydrogen Project; 3.) Amendment 2 to Columbia River Enterprise Zone III Intergovernmental Agreement; 4.) Executive Session Pursuant to ORS 192.660(2)(g); and 5.) Strategic Investment Program Agreement with Amazon Data Services, Inc.

Consent Calendar

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

- 1. Minutes: February 2nd, 15th, 22nd, March 1st*
- 2. Cellular Provider Change, Sheriff's Office – switching from U.S. Cellular to Verizon for more reliable service*
- 3. Amendment 1 to Justice Reinvestment Grant Agreement #JR-23-022; and authorize Chair Sykes to sign on behalf of the County*

Commissioner Drago seconded. Vote: Unanimous approval.

Business Items

Status Update from County Counsel, Justin Nelson: Request to Repeal Ordinance MC-C-4-98: In the Matter of Regulating Ambulance Service Providers

Chair Sykes said as background, at the February 22nd BOC Meeting, Boardman Fire Rescue District (BFRD) Chief Mike Hughes requested the County repeal the above-named 1998 ordinance. After hearing from Chief Hughes and Emily Roberts, Morrow County Health District (MCHD) Chief Executive Officer, the Board directed County Counsel, Justin Nelson, to prepare

an analysis for the March 15th BOC Meeting on the effects of repealing and replacing the ordinance and a motion was made to that end. Chair Sykes said he has since learned Mr. Nelson determined it would be more appropriate to ask an outside legal counsel with expertise in these matters to provide the analysis.

Mr. Nelson said he contacted Bob Blackmore, Innova Legal Advisors PC, and forwarded documentation to him from both districts, as well as a list of specific questions from the Board. Mr. Nelson said he did not know the exact timeline, yet, for Mr. Blackmore's availability to provide his analysis.

Request for Letter of Support of Ambulance Licensing

Chair Sykes said the format for this item would be the same as on Feb. 22nd when Chief Hughes requested to repeal Ordinance MC-C-4-98 – a representative from each district would speak and have the ability to rebut, however, there would be no comments from the public.

After Chief Hughes sought confirmation, Chair Sykes agreed comments would be limited to the topic on the agenda, as was the case on the 22nd.

Chief Hughes said the application process for an ambulance license in the State of Oregon requires a letter of support from the governing body. If BFRD is allowed to go through the estimated 60-day process and becomes licensed, there would be no impact to the County's ambulance system. MCHD would continue to operate as it does because it's clear BFRD is not a transport agency within the Ambulance Service Area (ASA) Plan. BFRD would be able to provide service to partner agencies, such as the Oregon Military Department, Umatilla County Fire District #1, and possibly the Naval Bombing Range.

Ms. Roberts said the Agenda Packet included a letter from the Health District's attorney, Troy Bundy, that covered four points: 1.) The definition in Oregon Administrative Rule is at issue. It says what needs to be provided is whether there is a documented need for the service supported by the county government. 2.) Under the current County Ordinance from 1998, no ambulance can operate in the County that is not incorporated into the ASA Plan. 3.) Under the current 1998 Ordinance, it charges the EMS (Emergency Medical Services) Advisory Committee with making the determination to make changes or additions to the ASA Plan. That is the appropriate group to hear the request and no formal request in writing, with explanations, has been brought to them.

As the discussion continued, Chair Sykes asked if the request could wait for the legal response from Mr. Blackmore, as discussed earlier. Commissioner Drago said he was not against waiting on Mr. Blackmore's analysis, adding he thought there was a need but they were hearing too many different stories. Chair Sykes encouraged the Commissioners to send their questions to Mr. Blackmore.

Commissioner Drago moved to table the letter of support to be readdressed at the April 5th meeting. Commissioner Wenzholz seconded. Vote: Unanimous approval.

Request for Letter of Support, PGE Hydrogen Project

Planning Director, Tamra Mabbott, commented the project had not come through the Planning Department and questioned whether it was appropriate to submit a letter that required a quasi-judicial planning review. She also said there were two other projects and neither requested a letter from the Board. When asked by Chair Sykes if she recommended not signing the letter, Ms. Mabbott replied that was her advice because of the land use issue and the policy issue that it would put PGE in a better position than the other companies (projects at the Army Depot and at the Port of Morrow). The Board took no action on the request.

Request to Reduce Application and Renewable Energy Project Fees

Carla McLane, Carla McLane Consulting, LLC

Ms. McLane asked the Commissioners to consider a reduction of fees on behalf of her client, Ros Vrba. Mr. Vrba is the developer of two proposed solar projects in the County. The fees for both projects would be \$90,000 and she asked that they be more in line with other Planning Department fees. Specifically, she asked that the per megawatt fee be reduced by \$80,000, resulting in a \$10,000 fee. This would cover the cost of staff time associated with processing the application, she said. Discussion.

Commissioner Wenholtz moved to direct staff to find out why there was a surcharge in the Fee Schedule and to reassess the Fee Schedule. Commissioner Drago seconded. Vote: Unanimous approval.

Amendment 2 to Columbia River Enterprise Zone III Intergovernmental Agreement

Justin Nelson, County Counsel

Mr. Nelson said the amendment would extend the area of influence to property adjacent to City of Boardman property already in the enterprise zone. It allows the City to participate and have voting authority for this new property area, as well. He clarified it was not an extension of the Enterprise Zone boundaries. Mr. Nelson further clarified there was not an Amendment 1 for the County. The Port created the original Amendment 1 but amended it and then called it Amendment 2 before the County could act on it, he said. The City of Boardman also approved it as Amendment 2.

Commissioner Drago moved to approve Amendment 2 to the Columbia River Enterprise Zone III Intergovernmental Agreement. Commissioner Wenholtz seconded. Vote: Unanimous approval.

Funding Request, Plaque for Bartholomew Building Commemorating Judge Alba Bartholomew

Karen Wolff, Heppner

Ms. Wolff provided a brief history of Judge Bartholomew, who was instrumental in helping residents during and after the 1903 Heppner flood. Discussion.

Chair Sykes moved to approve the request for \$730 for the plaque. Commissioner Drago seconded. Vote: Unanimous approval.

Break: 10:21-10:28 a.m.

Independent Tourism Development Contractor Agreement

Tamra Mabbott, Planning Director

Ms. Mabbott said the contract with Karie Walchli expired December 21, 2022 and that Ms. Walchli continues to provide tourism consulting services for the County. She explained the Sole Source Procurement per ORS 279B.075 and the notice on the website of the intent to extend the contract.

Commissioner Wenholz moved to approve the Independent Tourism Development Contractor Agreement with Karie Walchli. (Effective when signed by both parties and shall be reviewed yearly. The Scope of Work will be updated annually upon mutual agreement by client, Finance Director and Planning Director. Contract may automatically be renewed and may include a maximum 5% increase, annually. Rates will be \$2,625 per month; up to \$400 monthly reimbursement, not-to-exceed \$4,800 yearly; up to \$1,000 reimbursement for industry conferences.) Finance Director Kevin Ince will post the notice of intent on the website and Interim Administrator Roberta Vanderwall is authorized to sign on behalf of the County after the protest period, if no protests received. Commissioner Drago seconded. Vote: Unanimous approval.

Five-Year Road Plan

Eric Imes, Public Works Director

Mr. Imes reviewed the list of projects in the Five-Year Plan. Discussion.

Commissioner Wenholz moved to approve the Five-Year Road Plan, as presented, ending fiscal year 2025-2026. Commissioner Drago seconded. Vote: Unanimous approval.

Award Contract, Hot Mix Asphalt

Eric Imes, Public Works Director

Mr. Imes said in the last few years he asked the Board to award to both responders to the Request for Quotes. This gives the Road Department the opportunity to receive asphalt from both plants with a contracted price, rather than the price when needed, which is usually higher. Mr. Imes said the first choice was Granite Construction and the second choice was American Rock Products.

Commissioner Wenholz moved to award contracts to Granite Construction as the first choice and American Rock Products as the second choice to supply asphalt hot mix for this season's paving projects. Commissioner Drago seconded. Vote: Unanimous approval.

Award Contract, Homestead Lane Paving Project

Eric Imes, Public Works Director

Mr. Imes explained the remaining mile of the five-mile project needed to be completed this fiscal year. He reviewed the quotes received and asked to award to American Rock Products.

Commissioner Drago moved to award the Homestead Lane Paving Project contract to American Rock Products in the amount of \$458,416. Commissioner Wenholz seconded. Vote: Unanimous approval.

Award Contract, Sheriff's Office Reroof Project

Tony Clement, General Maintenance Supervisor

Mr. Clement discussed the original timeline for the project and the various delays that resulted in a larger amount than originally budgeted. Discussion.

Commissioner Wenholz moved to award the Sheriff's Office Reroof Project to Silver Creek Construction in the amount of \$195,000, and allow the Board to sign after the statutory protest period has passed. Commissioner Drago seconded. Vote: Unanimous approval.

Health Officer Agreement with Dr. Rodney Schaffer

Intergovernmental Agreement with Morrow County Health District for Medical Malpractice/Liability Insurance for Dr. Schaffer

Robin Canaday, Public Health Director

Ms. Canaday briefly reviewed the Health Officer Agreement.

Commissioner Drago moved to approve the Agreement – Morrow County Health Officer, with Dr. Rodney Schaffer (effective March 15, 2023 for a one-year period and shall automatically renew for successive one-year periods; first month compensation shall be \$100/hour, up to 10 hours, thereafter \$750/month for up to 7.5 hours of work; reassess number of hours spent as needed and compensate accordingly). Commissioner Wenholz seconded. Vote: Unanimous approval.

Commissioner Drago moved to approve the Intergovernmental Agreement for the Procurement of Medical Malpractice/Liability Insurance with Morrow County Health District for the Morrow County Health Officer. Commissioner Wenholz seconded. Vote: Unanimous approval.

Update on Mormon Cricket Situation in Morrow County

Larry Lutchter, Plant & Soil Scientist, Oregon State University/Morrow County Extension

Since the Commissioners were relatively new, Dr. Lutchter provided an overview of his duties. He said he does in-field research, outreach, and provides advice and recommendations to people who request it. He also works with youth on activities related to agriculture, writes reports, publishes research results, applies for grants and makes presentations.

Last year, the Board approved \$100,000 toward efforts to deal with the Mormon crickets. To-date, \$21,424.50 has been spent on chemicals and the remaining \$78,757.59 will pay the cost of aerial application, if needed. That amount would cover 9,000-10,000 acres. The Mormon crickets were in the northeast corner of Gilliam County at the mouth of Willow Creek last year, he said, and the farms most likely to be affected are in the Threemile Canyon area. There have been sightings along Immigrant Lane and south of the Bombing Range. Dr. Lutchter said he planned to be scouting areas in the April/May timeframe with the possibility of spraying in May. He noted the Navy has not been as cooperative as the Nature Conservancy.

Department Reports

- The Treasurer's Monthly Report was reviewed by Jaylene Papineau
- The Planning Department Monthly Report was reviewed by Ms. Mabbott
- The Interim Administrator's Report was reviewed by Roberta Vanderwall

Legislative Updates

- Ms. Mabbott discussed House Bill 2487 which would allow event centers and wedding venues in Exclusive Farm Use Zones east of the Cascades.
- Mike Gorman, Assessor/Tax Collector, said he was a member of an association for Assessors and Tax Collectors and anticipated a more detailed report from that organization in the coming weeks.

Correspondence

- Letter from the City of Ione regarding its wastewater system improvement project and asking to access County-owned property to obtain survey points for existing septic tank and sewer service cleanout.

Commissioner Reports

The Commissioners reported on their activities in the past two weeks.

Break: 11:37-11:45 a.m.

Chair Sykes read the Executive Session citations:

Executive Session: Pursuant to ORS 192.660(2)(g) – To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; **and** Pursuant to ORS 192.660(2)(f) – To consider information or records that are exempt by law from public inspection (ORS 285C.620)

Mr. Nelson explained the reasons behind the two citations and said following the Executive Session, the regular meeting would be taken back up at 1:00 p.m. for the Public Hearing.

Commissioner Wenholz declared a business with which he was associated would be impacted but he didn't feel he had a conflict. However, until the Oregon Government Ethics Commission complaint was cleared, he wouldn't participate in the Executive Session and Public Hearing or vote in the Public Hearing. He then asked if he should leave the room. Mr. Nelson explained the attendees in an Executive Session were at the discretion of the Board. Chair Sykes and Commissioner Drago had no objections to him remaining in the room.

Commissioner Drago said he may have a conflict of interest because he had family members who worked at the Port of Morrow. Neither one worked in an administrative position, he said, but he would look into it further.

Mr. Nelson asked Commissioner Drago, as far as he knew, there was nothing there; Commissioner Drago agreed.

12:00 p.m. – Executive Session began, pursuant to the above citations

1:04 p.m. – Resumed Regular Meeting

Present In-Person

Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Roy Drago Jr., Roberta Vanderwall, Roberta Lutcher, Justin Nelson, Mike Gorman

Present Via Zoom

Kelly Doherty, Jonathan Tallman, Brandy Warburton, D. Orid, Benjamin Tucker

Mr. Nelson said an agreement was not reached so there was no need for a Public Hearing on the SIP agreement. He said work will continue by staff and it will come back as a Public Hearing in the future and noticed in the same way.

Chair Sykes said the meeting would adjourn. He added the Board would hold a Work Session at 2:00 on a potential Broadband Intergovernmental Agreement with the Port of Morrow.

After hearing questions from Jonathan Tallman and Kelly Doherty about the SIP documents and how to view them, they were both referred to the online Agenda Packet for the meeting.

Signing of documents

Adjourned: 1:12 p.m.