

Morrow County Board of Commissioners Meeting Minutes
February 1, 2023
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present In-Person

Chair David Sykes, Commissioner Jeff Wenzholz, Roberta Lutcher, Mike Haugen, Justin Nelson, Jerry Rietmann, Tamra Mabbott, Kevin Ince, Lindsay Grogan, Sandi Pointer

Present Via Zoom

Erick Peterson, Raymond Akers, Kaleb Lay, Julie Baker, Susan Bower, SaBrina Bailey-Cave, John Bailey, Ana Maria Rodriguez, Sarah DeForest, Erika Lasater, Mike Gorman, Patrick Collins, Karen Wolff, Ramzi Sulieman, Cody High, Ana Pineyro, Heidi Turrell, Kelsey Crocker, Lisa Mittelsdorf, D. Orid, Melissa Camarillo

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

City & Citizen Comments

Ana Maria Rodriguez, Community Organizer with Oregon Rural Action, and Kelly Doherty, Boardman resident, posed questions and comments to the Board in Spanish and then in English. They were: What are the next steps for hearing and reading translations? Will the County provide translated agendas and packets ahead of time? Will Zoom recordings be posted in the future? Can the closed caption box be enlarged?

Justin Nelson, County Counsel, went through the settings in Zoom to help with the font size in the closed caption box. He offered to work with Oregon Rural Action again and test the options outside the public meeting time.

Chair Sykes said the Board would take the comments under consideration.

Mike Brandt, part of the group Zooming in from the Boardman location organized by Oregon Rural Action, asked if the County had signed a contract yet with the Oregon Health Authority for well testing and water delivery.

Chair Sykes said Public Health Director, Robin Canaday, would be able to answer that but she was not in attendance. He added he met with the Governor's representative yesterday and talked at length about water issues. Chair Sykes said the state was on board, things were moving along and there were no issues there. It's going to keep continuing but he said he did not have any contract details.

Ethan Akers asked what funds were still available for water delivery and support. Chair Sykes said he believed this was addressed at the last meeting by Paul Gray, Emergency Manager.

Finance Director, Kevin Ince, responded by saying the budget adopted at the end of June for the current fiscal year did not have a specific, identifiable line item for water emergency. This question came up in the past and his Department went through the draft Budget Committee Meeting minutes. At the beginning of the fiscal year, he said, an appropriation was made for \$100,000 toward the Emergency Management Department for the water emergency and subsequent to that, another \$60,000 was approved. Mr. Ince said he believed a report on this was

provided recently on the status of those funds. With the transition to the recovery phase and the transfer of responsibilities to the Public Health Department, Mr. Ince said he met with Ms. Canaday and determined there were adequate appropriations within the Health Department's current budget to continue with water delivery activities.

Miscellaneous

Chair Sykes announced there would be a Work Session today at 1:30 p.m. to hear updates on the retirement plan. He also said there would be a 9:00 a.m. Special Meeting on February 2nd to go into executive session to consider the employment of a public officer, employee, staff member or individual agent. The meeting will resume at 1:30 p.m. for a possible decision, he added.

City & Citizen Comments, continued

Raymond Akers asked about last week's report from Clerk, Bobbi Childers. He mentioned a public information request but was unable to provide exact details. Chair Sykes said there was a procedure for public document requests and the Clerk said she followed those procedures. He said Mr. Akers could check if he felt he was not getting documents.

Open Agenda: No items

Consent Calendar

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

- 1. Review of the Executed Contract with Prothman for County Administrator Recruitment. Fee for conducting a full recruitment with a one-year guarantee - \$17,500. Morrow County will be responsible for reimbursing expenses Prothman incurs for each recruitment.*
- 2. Minutes: January 18th*

Chair Sykes seconded. Vote: Unanimous approval.

Business Items

Food Pod Replat & Lot 6 Replat in the City of Irrigon from Ron McKinnis

Mike Gorman, Assessor/Tax Collector

Chair Sykes commented this appeared to be a straightforward request for the BOC to sign the plats.

Commissioner Wenholz moved to approve and sign the Food Pod Replat and Lot 6 Replat in the City of Irrigon. Chair Sykes seconded. Vote: Unanimous approval.

Comment Letter to the Energy Facility Siting Council (EFSC) on the Boardman to Hemingway Project, Request for Amendment 1, and Update

Tamra Mabbott, Planning Director

Ms. Mabbott noted Sarah Esterson with EFSC would not be speaking today and apologized if there was a miscommunication. She explained EFSC approved the B2H project last fall and there were already some amendments filed. The letter was "routine" in response to Idaho Power's Request for Amendment 1. The nature of the amendment was primarily changing the haul routes that worked better for Idaho Power and the landowners, and one had a reroute of the transmission line, she said. Discussion.

Commissioner Wenholz moved to approve and sign the letter. Chair Sykes seconded. Vote: Unanimous approval.

Road Committee Appointment Request

Sandi Pointer, Public Works

Ms. Pointer said she received an application from Boardman resident, Gabe Hansen. She said she believed his accounting background would be of benefit to the committee.

Commissioner Wenholz moved to accept Gabe Hansen to the Road Committee as Alternate representing North County; term to be February 1, 2023 to February 1, 2026. Vote: Unanimous approval.

Purchase Request – Asphalt Paver & Attachments

Mike Haugen, Public Works

After reviewing the reasons for the purchase, Mr. Haugen said the Road Equipment Reserve budget supported the purchase. He talked about future plans for a pugmill to produce asphalt at local pits and the asset that will be for fixing roads.

Commissioner Wenholz moved to approve the purchase request for a 2023 CAT AP-555F Asphalt Paver and attachments in the amount of \$487,810.54, allowing Public Works to purchase the paver after the intent to award has been published and protests received after the required period of time. Chair Sykes seconded. Vote: Unanimous approval.

Permit Application #OTR to Build in Right-of-Way, Umatilla Electric Cooperative

Mike Haugen, Public Works

Commissioner Wenholz declared he was on the Board of Directors of Umatilla Electric Cooperative (UEC) and it would be considered a business with which he was associated. Under his interpretation, he said he didn't have a conflict but there was apparently a complaint with the Oregon Government Ethics Commission. Since they haven't issued a ruling, Commissioner Wenholz asked County Counsel, Justin Nelson, the following: If he had a conflicted interest, he couldn't participate in the discussion. Without his vote, there wouldn't be a quorum, so he asked if he was then able to vote.

Mr. Nelson said he hadn't had a chance to look at this and suggested they go forward while he looked into the matter.

Mr. Haugen said UEC was putting in a substation in Irrigon to feed the City of Irrigon and they're starting the first phase of putting in the power lines and replacing and installing new wires. He provided additional details. Discussion took place on how Public Works monitored for progress and compliance by permittees.

Mr. Nelson discussed Oregon Revised Statute (ORS) 224.120(2)(b)(B):

- (2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:
 - (b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

- (B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

He said Chair Sykes could make the motion and Commissioner Wenzholz could second it and vote.

Chair Sykes moved to approve Permit Application #OTR from UEC. Commissioner Wenzholz seconded. Vote: Unanimous approval.

Permit Application #OTQ to Build in Right-of-Way, LS Networks, Inc.

Mike Haugen

Mr. Haugen said LS Networks needed to fix communication wire on Tower Road because there have been issues with farming equipment bringing it down. Mr. Haugen provided additional details and noted the minimum height listed on the application would be changed from 36' to 38'.

Commissioner Wenzholz moved to approve Permit Application #OTQ from LS Networks, Inc. Chair Sykes seconded. Vote: Unanimous approval.

Process After Closing Date for Commissioner Position 1

The Commissioners decided three of the six applicants would be asked to provide a presentation February 8th and the Board would make a decision February 15th.

Commissioner Wenzholz moved to invite Gus Peterson, Roy Drago Jr. and Mike McNamee to the February 5th Board of Commissioners Meeting to provide a five-minute presentation on their qualifications and why they want the position, and for a brief question and answer session from the Commissioners. Chair Sykes seconded. Vote: Unanimous approval.

Department Reports

- The Sheriff's Office Monthly Report was provided by Administrative Lieutenant Melissa Camarillo
- The Assessment & Tax Quarterly Report was provided by Mr. Gorman
- The Accounts Payable Report was provided by Mr. Ince

Correspondence

- Letter from Margaret Hoffman, State Director, Rural Development, U.S.D.A. offering an opportunity for the County to submit comment regarding True Organic Products, Inc.'s grant application. After discussion, Ms. Mabbott was asked to provide a draft letter for next week's meeting stating the County was generally in favor of the application but to also note the necessary land use permits for expansion had not been filed with the Planning Department.

Commissioner Reports: Brief reports were provided

Signing of Documents

Adjourned: 10:15 a.m.