

**Morrow County Board of Commissioners Meeting Minutes**  
**April 5, 2023 – 9:00 a.m.**  
**Morrow County Government Center, Don Adams Conference Room**  
**Irrigon, Oregon**

**Present In-Person**

Chair David Sykes, Commissioner Jeff Wenzholz, Commissioner Roy Drago Jr., Roberta Vanderwall, Roberta Lutcher, Justin Nelson; other non-staff attendees

**Present Via Zoom:** 53 staff and non-staff attendees

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

**City & Citizen Comments:** None

**Open Agenda:** Chair Sykes noted the update from PGE on its hydrogen project was removed from the agenda (item 5b).

**Consent Calendar:**

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

1. *Minutes: March 15<sup>th</sup>*
2. *Amendments 7 & 8 to the 2022 Oregon Health Authority Intergovernmental Agreement #173145 for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services*
3. *Professional Services Agreement with DLR Group; effective April 5, 2023 until March 30, 2024; not-to-exceed amount \$10,000; for a full building site analysis of three separate parcels of land for a Circuit Court building*

*Commissioner Drago seconded. Vote: Unanimous approval.*

**Business Items**

Community Counseling Solutions Quarterly Report

Kimberly Lindsay, Executive Director

Ms. Lindsay reviewed CCS' Diversity, Equity and Inclusion report; organizational chart; consumer survey, Kids Program, newsletter; and discussed continuing workforce challenges and associated legislation proposed to assist entities. Regarding her legislative update, the Commissioners agreed by consensus to review, and possibly sign, a letter drafted by Ms. Lindsay at the next meeting (House Bill 3205).

Update on Outside Legal Counsel's Review of Matters Related to the Morrow County Ambulance Service Area (ASA) Plan

Chair Sykes noted the Board would not take public comment on this item or the two subsequent items (Motion to Table Letter in Support of Ambulance Licensing; Request to Repeal Ordinance MC-C-4-98). He said the Board engaged Bob Blackmore, an attorney knowledgeable in these areas. Chair Sykes explained Mr. Blackmore presented the Board with his legal analysis after he reviewed multiple documents submitted by the Morrow County Health District (MCHD) and Boardman Fire Rescue District (BFRD).

Chair Sykes thanked everyone for their input in addressing ambulance service in the County and assured them they were heard. He said the following was a summary of Mr. Blackmore's advice:

- In the last month, the County Commission has taken action by engaging outside legal counsel to guide the Commissioners in understanding the County's legal obligations and responsibilities as the County moves forward in this process.
- First of all, the County's legal counsel has advised the Commissioners not to repeal the 1998 ASA Ordinance. A request to do so is on the agenda today and will be addressed. Counsel has instead advised the County to move forward in preparing a new ASA Plan that will address and resolve many of the issues.
- In addition, the County's legal counsel has advised the Commissioners that the 2021 ASA Plan is not legally effective as it was never legally approved by Morrow County. Counsel suggested a new ASA Plan could include many of the provisions of that plan and would be a good starting point.
- The Commissioners will discuss this advice, but if approved by the Board, Roberta Vanderwall, Interim Administrator; Paul Gray, Emergency Manager; and attorneys Justin Nelson and Bob Blackmore could be appointed to assist in development of the Plan, as needed.
- The goal in moving this forward would be to give everyone certainty, define ambulance service providers and territory, and in that process, create the best ambulance service plan for everyone in the County. Participation of MCHD and BFRD as essential partners would be very important in this process.
- If this road map is approved, the Commissioners could then instruct legal counsel and staff to begin work on a new ASA Plan as quickly as possible. Development of the new Plan would be with appropriate participation from all parties interested in ambulance service. In the interim, the Commissioners would expect ambulance services to continue as-is.

Chair Sykes then asked for discussion by the Board about the legal advice received, the proposed road map as laid out, and to take action, if desired.

Commissioner Wenzholz said based on Mr. Blackmore's legal advice, and since the current ASA Plan isn't legal, the County needed to develop a new ASA Plan and move forward with the people laid out, Ms. Vanderwall, Mr. Gray, Mr. Nelson, and engage Mr. Blackmore to get the process started. He also encouraged the group to engage a consultant to assist with drafting the Plan, as mentioned earlier by Mr. Blackmore; Commissioner Drago agreed.

*Commissioner Wenzholz moved that the County move forward with crafting a new ASA Plan and the people from the County would be Roberta Vanderwall, Justin Nelson, Paul Gray and Bob Blackmore as independent outside counsel, to start that process. Commissioner Drago seconded. Vote: Unanimous approval.*

Review the Motion to Table the Request for a Letter in Support of Ambulance Licensing from Boardman Fire Rescue District

Chair Sykes said because the County is developing a new ASA Plan, counsel has advised the Commissioners that certifying additional ambulance needs at this time, without a new Plan in place would not result in a new ambulance being in service. In other words, counsel advised that BFRD would not be able to obtain an ambulance license without being designated an ambulance

service area. Counsel said that if BFRD will be providing services through Umatilla County Fire, they should seek their letter from Umatilla County, and Morrow County will not oppose. Commissioner Drago said his question would be – we didn't have the opportunity to talk with the Bombing Range people for that aspect of it. It is in Morrow County, the question there is even if they were able to go out on the Bombing Range and be there in case something happened, they would have to transport through Morrow County, which isn't in an ASA. As far as the Bombing Range question, that was my concern, he said.

Commissioner Wenholz said Mr. Blackmore said nothing precluded the County from writing the letter of support. Mr. Blackmore said it was a circular issue – Oregon Health Authority (OHA) won't grant a license without having an area to serve as part of an ASA, but an entity can't have an area to serve in an ASA without having a license, so it's a circular issue. Again, Commissioner Wenholz said he'd go back and rely on what Mr. Blackmore said – there's nothing that prevents the County from signing that letter. So, as far as the issue that's before us, he said, he'd make a motion.

*Commissioner Wenholz moved to give them (BFRD) a letter that they can go to OHA and seek a license and OHA can determine whether or not they get that license. BFRD will get the letter from Morrow County and BFRD can move forward and OHA can sort it out. What BFRD has told us they want to do – transports for Good Shepherd, and whether we're the proper body or Umatilla County is the proper body, we'll let OHA sort that out. So, he said his motion was to send a letter of support. Commissioner Drago seconded. Discussion: Chair Sykes said, his opinion was do the ASA Plan first, that's the backbone of the whole thing, without anything else coming into play. Commissioner Drago said his question was, are we able to get the timing right with an ASA and then if in that ASA it allows an ambulance service area, does it delay the position of that service area to get a license. How do we time it to make it happen at the same time, he asked? Commissioner Wenholz said he didn't know the answer and understood Chair Sykes' point but he felt it was a chicken and egg type of thing. If through the ASA process, Boardman Fire were to be granted a service area, well, in a sense, they can't get a service area without a license. So, this allows them to go through the process to get a license. Commissioner Wenholz said he didn't think anyone was under the illusion they're going to be able to do transports in Morrow County because they don't have a service area in Morrow County. Vote: Aye: Commissioner Wenholz, Commissioner Drago. Nay: Chair Sykes. Motion carried.*

Mr. Nelson said staff was being directed to bring wording for the letter at the next BOC Meeting; Commissioner Wenholz said that was his recommendation – a generic letter that we support BFRD seeking a license, or something to that effect.

#### Request to Repeal Ordinance MC-C-4-98 – Regulating Ambulance Service Providers

*Commissioner Wenholz moved that we do not repeal the ordinance based on the advice from legal counsel, Bob Blackmore. Commissioner Drago seconded. Vote: Unanimous approval.*

#### Ordinance No. ORD-2023-3: Amending Approval of Permits for Construction in the Right-of-Way

Justin Nelson, County Counsel

Commissioner Wenzholz declared there was a business with which he was associated that could be impacted, so until things were sorted out, he would abstain, even though he didn't think he had a conflict.

Mr. Nelson reviewed the 2019 amendment to Morrow County Code, Chapter 8.08, that required Board approval of permits over 200 longitudinal feet. He then discussed the proposed change that reverts approval back to the Public Works Director, as requested by the current Board. Mr. Nelson outlined how the Ordinance could be approved on an emergency basis, making it effective immediately. Chair Sykes and Commissioner Drago voiced their agreement and Mr. Nelson then read Ordinance No. ORD-2023-3 by title.

*Commissioner Drago moved to approve Ordinance No. ORD-2023-3: In the Matter of Amending Chapter 8 of the Morrow County Code Pertaining to the Approval of County Permits for Construction Work in County Road Rights-of-Way. Chair Sykes seconded. Discussion: Clarification took place on the approval process.*

**9:37-9:40 a.m.:** Zoom connection was lost; the Board took a break.

Former Commissioner, Don Russell, asked to comment on the Code change as he was in office when it occurred; he then proceeded to do so.

*Chair Sykes said he talked to people in the Road Department to seek assurance that they follow-up on the work by the permittees and investigate complaints by the public. Commissioner Drago asked again that the Public Works Director shall render a decision on all permits; Mr. Nelson said that was correct. The section that was removed pertained to the need for Board approval of permits over 200 longitudinal feet, he added. Vote: Aye: Chair Sykes, Commissioner Drago. Abstained: Commissioner Wenzholz. Motion carried.*

Appointment Request, Public Transit Advisory Committee  
Benjamin Tucker, Transit Manager via Zoom

*Commissioner Wenzholz moved to approve the appointment of Debbie Imus to the Morrow County Public Transit Advisory Committee; term to be April 5, 2023 to April 5, 2026. Commissioner Drago seconded. Vote: Unanimous approval.*

### **Department Reports**

- Sheriff's Office Written Monthly Report, as submitted by Administrative Lieutenant Melissa Camarillo
- District Attorney's Office Verbal Quarterly Report, provided by Mr. Nelson
- Human Resources Quarterly Report, provided by Lindsay Grogan, Director
- Public Health Verbal Quarterly Report, provided by Robin Canaday, Director
- Administrator's Monthly Report, provided by Ms. Vanderwall
- Road Department Monthly Report, provided by Mike Haugen, Assistant Road Master

## Legislative Updates

- Commissioner Wenzholz reported House Bill 2618 died – it would have required data centers to get renewable power. It could have had an impact in Morrow County, he said.

## Correspondence

- Letter from Douglas McKay, Heppner District Ranger, U.S. Forest Service, soliciting comment on the proposal for the Parker’s Mill Timber Stand and Wildlife Habitat Improvement Project.

## Commissioner Reports

- The Commissioners provided reports of recent activity.

**Break:** 10:27-10:35 a.m.

## Executive Session

Chair Sykes read the following citations: 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)

Commissioner Wenzholz confirmed that the Executive Session was for the Strategic Investment Program (SIP) agreement; Mr. Nelson agreed. Mr. Nelson said the Board would return to the regular meeting at approximately 10:50 a.m.

Commissioner Wenzholz stated there was a business that he was affiliated with that could be impacted by this so he would recuse himself from any discussions and actions related to it.

**10:52 a.m.:** Closed Executive Session

**10:54 a.m.:** Returned to Regular Meeting

**Present In-Person:** Chair Sykes, Commissioner Wenzholz, Commissioner Drago, Roberta Vanderwall, Roberta Lutcher, Justin Nelson

**Present Via Zoom:** Mike Gorman, Benjamin Tucker, Roger Wehner, Erika Lasater, Aaron Palmquist

Commissioner Wenzholz stated the agreement could potentially affect a business he was associated with and while he didn’t think he had a conflict, until the Oregon Ethics Commission complaint was resolved, he wouldn’t participate or take action.

**Public Hearing (ORS 285C.609(4)):** Strategic Investment Program Agreement with Amazon Data Services, Inc.

Chair Sykes opened the Public Hearing. He said it was required before the Oregon Business Development Commission could consider approving a SIP agreement. He explained how to offer testimony and called for abstentions or conflicts of interest, noting the earlier statement by Commissioner Wenzholz. Chair Sykes called for the Staff Report and Summary.

Assessor/Tax Collector, Mike Gorman, said there was a proposal for SIP exemption from Amazon Data Services, Inc., for a site near Boardman. There will be a fairly large investment in this project that triggers a \$100 million taxable value and up to a \$2.5 million Community Service Fee, along with some negotiated additional payments, which includes future bonding and some proposed additional payments to benefit local infrastructure. This would be a 15-year exemption that starts after the project is certified operational. Mr. Gorman asked if there were any questions; no response.

Chair Sykes called for those wanting to speak in favor of the application. Hearing none, he asked if anyone wanted to speak in opposition to the application. Again, hearing none, he closed the Public Hearing at 10:59 p.m. to deliberate to a decision.

Mr. Nelson said he did not see any hands raised on Zoom or in the audience when comments were solicited, and he didn't receive any written comments through Zoom that there were any issues with commenting.

*Commissioner Drago moved to approve the Oregon Strategic Investment Program Agreement with Amazon Data Services, Inc. and direct staff to coordinate with Amazon Data Services, Inc., to submit the agreement to Business Oregon. Chair Sykes seconded. Vote: Aye: Chair Sykes and Commissioner Drago. Abstained: Commissioner Wenholz. Motion carried.*

*Commissioner Drago moved to approve Resolution No. R-2023-4: In the Matter of Requesting the Oregon Business Development Department Exempt the Amazon Data Service, Inc., Project from Property Taxation Under the Strategic Investment Program. Chair Sykes seconded. Vote: Aye: Chair Sykes and Commissioner Drago. Abstained: Commissioner Wenholz. Motion carried.*

### **Signing of documents**

**Adjourned:** 11:06 a.m.