

Board of Commissioners Meeting
December 2, 2015

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner Jack Howard

Chairman Davidson opened the meeting at 9:00 a.m. with all three Commissioners present. The pledge of allegiance was given.

Public Comments

Boardway to Hemingway (B2H) Project

Irene Gilbert, La Grande, recommended the commissioners to establish a B2H citizen advisory committee; she submitted documentation of her recommendations (see attached). She stated that she belongs to a group of citizens that have met and discussed the most important aspects of the committee. She stated that from her recommendation, the establishment of the advisory committee could be ready to go immediately if the commission agrees with it. She stated that having 12-15 members is recommended, but having too many may be less manageable for the facilitator. Her recommendation includes representation suggestions to identify issues and provide everyone the opportunity to submit input.

Elected Official, Department Head & Employee Comments

Fox 2015 Timber Sale RFP

Shelley Burgess, Administrative Officer, stated that it was brought to her attention that one bidder is the brother of Union County Public Works Director, Doug Wright. She consulted with legal counsel, who submitted a brief comment indicating that there was no legal issue with the relative submitting a bid as Doug Wright would not be involved in the selection of the successful bidder.

Sean Chambers, MERA Parks Coordinator. Chuck Sarrett, MERA Forest Consultant. Mr. Chambers stated that MERA was in the process of implementing the forest management plan; he and Mr. Sarrett have worked together to develop the Request for Proposal that opened October 26, 2015 to secure the treatment of 550 acres of timber on MERA. There was a mandatory pre-bid conference on November 5, 2015, which was attended by all those who submitted bids; three bids were received by the November 19, 2015 deadline:

<u>Contractor</u>	<u>Thinning/Slashing Treatment</u>	<u>Project Bid Price</u>
Gary R. Wright Contracting, Inc.	\$598.00/acre	\$168,527.00
Henderson Logging	\$649.00/acre	\$218,800.00
Kellerman Logging, Inc.	\$750.00/acre	\$248,330.00

Mr. Wright stated that he and Mr. Sarrett made the determination that they would recommend the commission to award the work to the company with the lowest bid (Gary R. Wright Contracting, Inc.).

Commissioner Davidson asked Mr. Sarrett if he believed the bid was reasonable. Mr. Sarrett stated that the bid amount was in line with his estimates and very reasonable. He added that he has known Gary Wright for a number of years and was known to be highly capable. He stated that he talked to all the bidders; the higher bids reflect the fact that they had considerable amount of work lined up already and they would incur additional costs due to being located in Wallowa County. **Commissioner McClure moved approval to award the MERA Salvage Logging Contract to Gary R. Wright Contracting, Inc. in the amount of \$168,527.00. Commissioner Howard seconded. Motion carried unanimously.**

B2H Work Session Report

Scott Hartell, Planning Director, reported on the B2H work session from November 24, 2015. He recommended establishing a seven-member advisory committee to seek citizen input and concerns. He suggested appointing applicants who have a working background or knowledge of the federal and state application processes, and to include the following: one member of each geographical area along the proposed B2H route; one recommendation from the City of La Grande; one recommendation from the Grande Ronde Model Watershed; and one at-large member. He stated that his suggested structure was based on ORS 215.030. He stated that he was seeking feedback and suggestions from the commission.

Commissioner Howard stated that the resolution should indicate the number of active citizens on the committee.

Commissioner Howard asked Mr. Hartell why he suggested contacting Robert Strobe from the City of La Grande. Mr. Hartell stated that the idea was generated when it was noted that there was no City of La Grande representation at the work session. He thinks that advisory committee members should be those who are used to working with criteria and substantive comments. Members should be familiar with helping citizens with concerns and adjusting their comments to meet the criteria so that they are substantive comments that would be reviewed. Having members with the background and working knowledge of the processes would be beneficial to the folks that have concerns. Commissioner Howard agrees with the terms of members' background.

Commissioner Howard stated that he is questioning the recruitment of specific members. Mr. Hartell stated that Jeff Oveson (Grande Ronde Model Watershed) is very familiar with state and federal processes. Commissioner Howard asked why Mr. Hartell would suggest Robert Strobe specifically as the representative for the City of La Grande. Mr. Hartell stated that Mr. Strobe was the City Manager; the county could not compel the City of La Grande to participate, but could extend the invitation and let them

choose. Commissioner Howard suggested that the Mayor of La Grande be contacted instead of the City Manager; Mr. Hartell stated that the commission could make that decision.

Commissioner Howard asked Mr. Hartell why he recommended a seven-member advisory committee. Mr. Hartell stated that statutory rules suggest establishing advisory committees with five, seven, or nine members, so he selected the median number; he stated that the number is just his recommendation and the commission could decide on any number. Commissioner Howard stated that he thinks it would be best to have at least nine members since four may already be established by the geographical areas. Commissioner Howard suggested that the commission select applicants from Irene's suggestions and should also include both voting and non-voting members.

Commissioner Howard stated that the commission needed to be expeditious in the appointment process and asked about the specific timeline. Mr. Hartell stated that it would be dependent on when applications are received. He also stated that his intent was to help expedite the process, which is why the resolution to establish the committee was drafted and available for the commissioners' review.

Commissioner Howard asked if citizens from Union have expressed an interest in the topic; Mr. Hartell stated that he had not heard from anyone in Union.

Commissioner McClure stated that the commission could invite the City of La Grande to participate, but it would be their choice to do so. He stated that having representation from Union would be okay and he sees no problem with appointing nine members to the committee. He stated that it is important that the resolution stipulate that the committee's purpose is to fill an advisory role that would present citizen comments to the commissioners. He hoped that the committee would invite concerns from all areas of the public and have good representation of differing opinions in Union County.

Commissioner McClure stated that Ted Taylor would be the ideal committee chairperson, as he is well-qualified and familiar with federal processes through his work with Grande Ronde Model Watershed. Commissioner Howard agreed and stated that he would be leery of appointing a chair for the committee, but Mr. Taylor would be a good recommendation. Commissioner Davidson also agreed and stated that Mr. Taylor would be excellent.

Commissioner Davidson stated that the City of La Grande would need to choose their own representative. He thinks a nine-member committee would be okay; it is important to have a manageable number of members. He stated that as an advisory committee to the commission, the meetings would be public. Commissioner McClure stated that as an appointment of the commission, the committee would be subject to public meeting laws requiring notices and remaining open to the public.

Commissioner McClure stated that he thinks the committee could move quickly as it seemed the public had presented many opinions already.

Commissioner Davidson stated that in regards to Mrs. Gilbert's document, there were some areas of expertise that could be grouped.

Mr. Hartell stated that he had not yet read Mrs. Gilbert's document in full, but noticed the "general requirements" of committee members stipulated that "individuals need to be concerned with the potential negative impacts." He stated that Mrs. Gilbert's suggestion is to have a committee completely filled with citizens who have a problem with B2H; he thinks the committee should not be solely comprised of members who have a negative opinion of B2H. Commissioner Davidson agreed with Mr. Hartell.

Commissioner Davidson asked Mr. Hartell if his staff would attend and record meetings, as well as take notes and produce minutes; Mr. Hartell stated that they would. Commissioner Davidson stated that there would be no need to designate a secretary; Mr. Hartell agreed. Commissioner Howard stated that the committee would probably decide whether or not they would need a secretary.

Commissioner McClure asked if the two additional positions would be from a specific interest area or at-large positions. Commissioner Howard stated that the commission needed to review and discuss the resolution, then review submitted applications. Commissioner McClure suggested removing the areas of representation for the two additional positions; Commissioners Howard and Davidson agreed.

Shelley Burgess stated that the intent of the resolution was to identify the number of committee members, as well as to have a tool in establishing the committee at the next meeting. She stated that the commission could advertise for the open positions and adopt the resolution and appoint committee members at the next meeting if more time is needed.

Commissioner McClure stated that the commission needed to move quickly. He stated that all committee members should not be predisposed to a negative opinion of the project. It would only be acceptable for the committee's overall opinion to be in opposition to the B2H Project when and if the committee has completed its research and review of all options, concerns, and comments.

Commissioner Howard stated that he does not have a predilection to say he is against the B2H project and believes all three commissioners are in agreement.

Commissioner McClure stated that the committee would have members who are both for and against B2H and the commission would provide positions for the differing opinions.

Commissioner Howard stated that some citizens serving on the committee may have an open mind, and they may change their minds through the process.

Commissioner Davidson stated that staff would make changes to the resolution as suggested by the commission and advertise the open positions for the advisory committee. Mrs. Burgess clarified that the commission would appoint members at a later time.

Mrs. Burgess asked how much time the commission would like to have to review the applications. Commissioner McClure stated that he would like to have them before the next meeting. Commissioner Davidson stated that they would prefer to have as much time as possible to review the applications. Under advisement of the commissioners, Mrs. Burgess indicated that the application deadline would be December 14, giving the commissioners a few days to review them before the next meeting. She stated that the Union County Advisory Committee Application would be utilized and made available on the county website.

Commissioner Howard asked Mr. Hartell how long he expected the committee to be active. Commissioner Howard stated that two years would be standard. Mr. Hartell stated that the committee's objectives would be met once the public comment time frame had ended, at which time other options would be available on another level. Commissioner Howard stated that the outcome of public comment could be significant and ultimately change the process overall; he would prefer that the committee's end date remain open until the commission determines there is no further need for it.

Consent Agenda

Commissioner McClure moved approval of the Consent Agenda, which included Claims Journals for October 29, November 4, 5, 10, 12, 16, 18 & 19 and meeting minutes for October 7 & 21. Commissioner Howard seconded. Motion carried unanimously.

Administrative Matters

Court Order 2015-34, Appointment to the Eastern Oregon Coordinated Care Organization

Mrs. Burgess stated that the purpose of this court order was to appoint new members to the Eastern Oregon Coordinated Care Organization; this council continues to seek majority representation by users of the Oregon Health Plan. Applicants were Nyokie Gentry and Joshua Gray. Commissioner Howard stated that he is familiar with both applicants, who are representative of the diverse community sought by the council. **Commissioner Howard moved approval of Court Order 2015-34. Commissioner McClure seconded. Motion carried unanimously.**

Court Order 2015-35, Appointment to the Eastern Oregon Coordinated Care Organization

Mrs. Burgess stated that the purpose of this court order was to appoint Wendy Roberts as an alternate for Tammy Winde, who serves as the Grande Ronde Hospital (GRH) representative, to the Eastern Oregon Coordinated Care Organization. Appointing an alternate assures that GRH will have adequate representation on the council without double representation. **Commissioner Howard moved approval of Court Order 2015-35. Commissioner McClure seconded.**

Commissioner McClure stated that it is important for GRH to continue its involvement in the advisory council and appointing an alternate would be a positive statement. **Motion carried unanimously.**

Court Order 2015-37, Appointment to the Grande Ronde Model Watershed

Mrs. Burgess stated that the purpose of this court order was to reappoint two members with expiring terms to the Grande Ronde Model Watershed (GRMW). She stated that Katie Frenyea and Norm Cimon had applied to continue in their present positions on the council and the commission received a recommendation from GRMW to reappoint the two applicants. **Commissioner Howard moved approval of Court Order 2015-37. Commissioner McClure seconded. Motion carried unanimously.**

Court Order 2015-38, Refunding Real or Personal Property Tax

Mrs. Burgess stated that the purpose of this court order was to refund paid taxes to The Teterling Company, as requested by the property owner and authorized by the Union County Tax Assessor. The refund application was based on a value change and ORS 307.242(2). The commission's approval would authorize the Tax Assessor to refund the overage of taxes paid.

Commissioner McClure asked if ORS 307.242(2) specifically referred to a change in property value; Mrs. Burgess stated that was correct, the initial amount paid was based on a higher value that was corrected.

Commissioner Davidson asked if the reason for the refund was due to an appeal or other reason. He stated that the Tax Assessor's letter does not indicate how the change in value was determined. Commissioner McClure asked if there was a mistake in assessing the property or if something happened to the property to cause a change in value. Mrs. Burgess stated that she did not know and would find out.

Commissioner McClure moved to table the issue until more information was provided.

Commissioner Davidson stated the process of refunding tax is not unheard of, but more explanation is needed.

Mrs. Burgess stated that the county is obligated to pay interest to the property owner until the tax is refunded; tabling it for a long period of time would cause more interest due. She stated that she would get more information and present it to the commission.

Commissioner Davidson stated that Court Order 2015-38 would be tabled.

Corrected Resolution 2015-12, 4-H Extension & Service District Budget

Mrs. Burgess stated that the purpose of this resolution was to update the language in the 2015-16 4-H and Extension Service District adopted budget, as requested by the Department of Revenue. She stated that following the adoption of the original resolution in June, the county submitted the budget to the Department of Revenue for review, as is standard process. Newly appointed Department of Revenue staff reviewing the documents requested the county to prepare a corrected resolution stating that the appropriations were specifically for the general fund. Mrs. Burgess explained that the 4-H & Extension Service District has only one fund, which is the general fund, but the Department of Revenue requested that the resolution state that specifically. The process followed by the county was valid and notifications were completed correctly. Adopting the corrected resolution would bring the county into compliance; it would not change any spending approval. Mrs. Burgess stated that this was the first time the request had been made by the Department of Revenue. The 4-H & Extension Service District's budget included only one fund for over ten years, which was the general fund. **Commissioner McClure moved approval of Corrected Resolution 2015-12. Commissioner Howard seconded. Motion carried unanimously.**

Meeting recessed until 10:00 AM.

10:00 AM: Court Order 2015-28, Jurisdictional Transfer of East Street

Scott Hartell, Planning Director stated that on January 7, 2015, the county passed a court order offering the transfer of East Street to Island City, and due to staff changes at Island City, the transfer was not completed. This new court order would give Island City six months to accept the transfer. He stated that East Street was not useful in the county road system and not needed in the county jurisdiction. Mr. Hartell stated that the transfer request had been advertised; the commission could take public testimony and review further or make a decision immediately.

Commissioner Howard asked Mr. Hartell if it had been properly advertised. Mr. Hartell produced documents indicating that it was properly advertised; Commissioner Howard reviewed them and thanked Mr. Hartell.

Commissioner Davidson called for public testimony; hearing none, Commissioner Davidson closed the hearing.

Commissioner McClure moved approval of Court Order 2015-28. Commissioner Howard seconded. Motion carried unanimously.

Court Order 2015-38, Refunding Real or Personal Property Tax

Commissioner Davidson ordered Court Order 2015-38 to be removed from the table.

Mrs. Burgess stated that the property in question formerly housed the Western States business and is now vacant. The property owner requested a new appraisal; the Tax Assessor appraised the property at a lesser value than previous determined, resulting in the request to refund the overpayment of tax due. **Commissioner McClure moved approval of Court Order 2015-38. Commissioner Howard seconded. Motion carried unanimously.**

B2H Advisory Committee Public Comment

Fuji Kreider stated that she would have made her comments earlier, but she was unaware that Mr. Hartell would be reporting on the B2H meeting. She stated that she wanted to make comments about Mr. Hartell's proposal to create an advisory committee, as well as the commission's adoption of a resolution to appoint members to the advisory committee.

Commissioner Davidson clarified that the commission had not approved anything; staff had been directed to advertise for applicants and to make modifications to the draft resolution, which would be reviewed and discussed at a later date.

Mrs. Krieder stated that Mr. Hartell was on the right track in suggesting some committee members represent the four geographical areas considered for B2H locations. She further stated that due to being so far along in the process, she would not do it that way. She stated that there are four routes that will be commented on in the Environmental Impact Statement (EIS): two routes that are in the Bureau of Land Management (BLM) EIS and two that are being studied after comments were made in June. She stated that there was also one other route suggested that would keep it on Interstate 84. The option of no action is also a possibility. She suggested that the commission review applicants' interests and appoint citizens accordingly. It is important to appoint citizens with varying disciplines and not from just one camp. She suggested that applications include space to state the applicants' standing on the issue, which would help the commissioners appoint by areas and interests. Areas should be viewed on a wider spectrum to include actual routes, not necessarily geography.

Commissioner McClure stated that he appreciated Mrs. Kreider's comments and stated that the commission wants to make the appointment a fair process.

B2H Advisory Committee Public Comment

Jim Kreider stated that he had a question about the resolution's stated purpose of the committee: "to present suggested comments to the Board of Commissioners for potential submission to the (BLM) and Oregon Department of Energy (ODOE)." He would like the word "potential" struck from the resolution and instead state "see the Board of Commissioners for submission to the BLM and ODOE", or to add another

bullet for dissenting opinions. He stated that his fear is that the commission will filter the committee's intended wording by watering it down significantly, changing it, or not submitting it at all. He thinks the resolution should have stronger language so the committee's report is submitted as is, or would allow for dissenting opinion so that the BLM would be aware of the committee's broader thinking.

10:15 AM: Foreclosure Property Transfer - Objection Hearing

Mrs. Burgess stated that the purpose of the objection hearing was to provide an opportunity for objections to the transfer of two properties from Union County to the City of Elgin, both of which were obtained by Union County through the foreclosure process. The first property is located between the Brunswick and the Elgin Subway; the City of Elgin requested the transfer of the property to build a parking lot. The second property is located across the street from the Wallowa Union Railroad Depot; the City of Elgin requested the transfer of the property in order to lease it to the Elgin Museum and Historical Society. She stated that the commission discussed the transfers at the last meeting, legal counsel was sought, and the commission indicated its desire to proceed. The objection hearing was advertised; the commission is required to listen to objections prior to approving the property transfer. She stated that the commission may decide to proceed or change course following the objection; deeds were prepared and available for signing. The commission may also decide to continue the consideration of the property transfer and approve at a later time. Mrs. Burgess stated that separate hearings are recommended for the separate properties.

Commissioner Davidson opened the objection hearing for Property #1, Tax Lot 100, the South Half of Lots 1, 2, 3, 4 and 5 in Block 59 of Hindman's Addition to Elgin, Union County, Oregon. Commissioner McClure stated that the hearing was for opposition to the transfer and general testimony would not be heard again; Commissioner Davidson and Mrs. Burgess agreed.

Commissioner Davidson asked if anyone objected to the transfer; hearing none, he closed the hearing and indicated that the commission would take it under advisement. **Commissioner McClure moved the approval to transfer Property #1, Tax Lot 100, the South Half of Lots 1, 2, 3, 4 and 5 in Block 59 of Hindman's Addition to Elgin, Union County, Oregon to the City of Elgin and authorization of signature of the deed. Commissioner Howard seconded.**

Commissioner Davidson stated that the true and actual consideration for this conveyance was \$0. **Motion carried unanimously.**

Commissioner Davidson opened the objection hearing on Property #2, Tax Lot 1901, Lots 1 and 2 and the North half of Lot 3 in Block 32 of Hindman's addition to Elgin, Union County, Oregon to the City of Elgin.

Commissioner Davidson asked if anyone objected to the transfer; hearing none, he closed the hearing and indicated that the commission would take it under advisement. **Commissioner McClure moved the approval to transfer Property #2, Tax Lot 1901, Lots 1 and 2 and the North half of to 3 in Black 32 of Hindman's addition to Elgin, Union County, Oregon to the City of Elgin and authorization of signature of the deed. Commissioner Howard seconded.**

Commissioner Davidson stated that the true and actual consideration for this conveyance was \$0.

Commissioner Howard stated that the City of Elgin was to be commended and congratulated on a job well done working hard, bringing citizens together, and moving forward. Commissioner McClure concurred and added that the City of Elgin was to be complimented on the efforts for the health clinic as well.

Commissioner Davidson stated that securing housing for the Museum was long overdue. He stated that it was unfortunate that WURA Depot construction bids came in so high, resulting in the elimination of plans to house the Museum at the Depot. He stated that it was gratifying to see the opportunity available to the City of Elgin and Museum. He stated that it was a great addition to the community and he was pleased to support it. **Motion carried unanimously.**

Adjournment

The meeting was adjourned at 10:24 AM.

Respectfully Submitted,

Lorcinda Johnston
Sr. Dept. Specialist II

Irene Gilbert Statement / December 2, 2015

Commissioner Steve McClure
Commissioner Mark Davidson
Commissioner Jack Howard

Commissioner Steve McClure indicated concerns regarding the organization and membership of a Citizens Advisory Committee. A group of citizens started discussions on this topic this last spring. The overriding need is to assure there is ample opportunity for public participation at the meetings, through phone calls and through written communication. We identified the following methods of assuring the committee represents all citizens of the county who choose to participate in the process.

B2H CITIZENS ADVISORY COMMITTEE:

WHY ONE IS NEEDED:

Many citizens of Union County believe the proposed Boardman to Hemingway 500Kv transmission line will have significant impacts on our community and region. We have requested a Citizens Advisory Committee be formed to accomplish the following necessary tasks:

1. Providing multiple opportunities for citizens to obtain information and provide input to the project. (Meetings to be scheduled throughout the county).
2. Utilize the significant expertise and multiple interests of the citizens to identify impacts to supplement those identified by the County Commissioners and staff.
3. To coordinate with other formal public input processes in the 5-county areas of Oregon most affected.
4. The most effective and timely manner in which to obtain and provide information to BLM and the Energy Facility Siting Counsel is through a formal public/private coordination of information.
5. Provide an important tool to accomplish the above goals and assure a thorough evaluation of impacts to the county and its citizens.

A Citizens Advisory Committee is necessary in order to serve as an ongoing resource for obtaining, organizing and providing input to the County Commissioners regarding citizen issues and concerns with the proposed project. This information will be submitted for incorporation into county responses regarding the EIS and Energy Facility Siting processes.

APPLICATION:

Participants should be identified through a public application process: e.g. Ask citizens of Union County interested in serving on the committee to send a brief letter (no more than one page) outlining why they are interested in participating on the committee, the knowledge, skills or training which they believe would benefit the group, and the groups they would be able to represent.

General Requirements for Advisory Committee Membership:

Individuals need to be concerned with the potential negative impacts the proposed Boardman to Hemmingway Transmission Line will have on the resources, economy, wildlife or changes which will occur in Union County as a result of the Transmission Line.

Committee members will be asked to participate in workgroups to develop issues outside the Advisory Committee Meetings for presentation to the Advisory Committee.

Members need to be willing to actively share their ideas and be open to new information.

Efforts will be made to identify individuals able to identify impacts from the perspective of and impacts to the following areas:

- City Government Representative: An elected official currently holding office.
- Two property owners who own land in a proposed route.
- Member of agricultural community impacted by one of the proposed routes.
- Member with expertise in big game and their response to stimulus present in the construction, utilization and maintenance of transmission lines.
- Member with expertise in birds and/or bats and potential impacts on them.
- Member with expertise in fish and/or water resources and potential impacts.
- Member of organization involved with energy development issues.
- Member representing First Peoples.
- Member representing Union County Government.
- Member with experience and/or knowledge in high voltage electricity.

- Member representing Eastern Oregon University.
- Secretary to take notes and develop minutes of meetings within one week following the meeting.
- Member of community organization concerned with the impacts of the B2H transmission line.

Committee membership should not exceed 12 people.

MEETINGS:

Meetings will be scheduled twice monthly in the evening or less often if the group votes to do so.

Meetings will be held in different locations around the county.

Meetings will be open to the public with opportunity for public input provided as well as a defined method for submitting comments for those not able to attend a meeting.

Meetings will be conducted in the evening hrs. and publicized a minimum of 7 days prior to occurring.

Minutes of the meetings will be made available to committee members and others requesting them within ten days following the meeting,

Issues and recommendation will be provided in writing for inclusion into the Union County responses regarding impacts of the development.

GROUP FOCUS:

1. The group is being formed for the sole purpose of responding to and developing issues statements reflecting Union County citizen concerns with the Proposed Boardman to Hemingway Transmission Line.
2. Information will be developed for submission to the Union County Commissioners, Bureau of Land Management, Department of Energy, Energy Facility Siting Counsel and other entities involved with the development, analysis or approval of the B2H transmission line.
3. The group will remain active until the transmission line is either built or a "No action" alternative is approved.

We are requesting your support and involvement with this process.

Sincerely,
B2H Citizen Advisory Committee Organizing Group