

Board of Commissioners Meeting  
August 23, 2017

Present: Commissioner Steve McClure  
Commissioner Jack Howard  
Commissioner Donna Beverage

Commissioner McClure opened the meeting at 9:00 a.m. and the pledge of allegiance was given with all three commissioners present.

**Public Comments**

UCEDC Public Comment

Margaret Mead, 57744 Foothill Road, La Grande, stated that she appreciated previous Commissioner comments that questioned UCEDC's funding request. She did not know why Commissioner McClure was made aware of UCEDC's employee embezzlement when UCEDC board members had signed a nondisclosure agreement and other entities were not made aware of the situation. As a taxpayer, she does not think that UCEDC had accomplished enough and she does not want the County to give them more funding until there is something to show for it. UCEDC is operating as a private corporation with more than 50% in public funds; they have to answer to the taxpayers.

UCEDC Public Comment

Bob Kavanaugh, Union County Chamber of Commerce Director, 1210 Adams, La Grande, stated that one of the Chamber's roles is to represent the business community. The general population and business community is unhappy with UCEDC's direction and results. He serves on the UCEDC board and struggles to see its purpose or where it is going, but he is not in a position to hold them accountable. He hopes that the organization will be able to produce results. He is committed to the economic development of the county and as a partner he needs UCEDC to function in a way that is healthy and measureable.

**Elected Official, Department Head & Employee Comments**

Rotating Beacon & Beacon Tower Project

Doug Wright, Public Works Director, stated that they went out to bid for the airport rotating beacon and beacon tower project that is primarily funded by the Federal Aviation Administration. Bids were received from Ross Brandt Electric and Power Pro Incorporated. At the time, the apparent low bid was from Power Pro and it was sent to Precision Approach Engineering for review. Upon further review, it was determined that Power Pro submitted a nonresponsive bid; they included wrong bid items and unit prices were not spelled out correctly. Ross Brandt Electric submitted the only responsive bid with a total of \$147,620. The County's legal counsel reviewed the documents; he indicated that in addition to the nonresponsive bid from Power Pro, there were other items that would allow the County to reject their proposal, including authorization to release bid information, statement of bidder's qualifications, and several inaccurate bid items that could cause major issues for the project.

Commissioner Howard noted that Mr. Wright was referencing an email from the County's legal counsel, Wyatt Baum, to Doug Wright dated August 18, 2017.

Mr. Wright recommended removing Power Pro and awarding the bid to Ross Brandt Electric for \$147,620.

**Commissioner Howard made a motion to remove Power Pro and award the bid to Ross Brandt Electric in the amount of \$147,620. Commissioner Beverage seconded. Motion carried unanimously.**

#### FAA Grant Agreement

Doug Wright, Public Works Director, presented a draft grant agreement for the Commissioners' consideration from the Federal Aviation Administration (FAA). He stated that Daniel Stewart from the FAA submitted a letter dated August 22, 2017 indicating that the FAA will include \$499,619 in non-primary entitlements under the Airport Improvement Program, allowing for some carry over to the next fiscal year.

Commissioner Howard asked if the carryover would have to be spent in the coming fiscal year. Commissioner McClure stated that it would not have to be used during that time, but it would have to be used for the purposes indicated by the FAA.

Mr. Wright stated that he was seeking the Commissioners' approval contingent on getting the final grant offer from the FAA. At that time, the County could issue a notice to proceed with the project to the contractor.

**Commissioner Beverage made a motion to approve FAA Grant Agreement 3-41-0031-022-2017 contingent on a final offer from the FAA. Commissioner Howard seconded. Motion carried unanimously.**

Mr. Wright stated that the completion of this project is desperately needed since the airport has not had a beacon in five years.

#### Justice Reinvestment Grant

Travis Miller, Community Corrections Director, was seeking a letter of support for the 2017-19 Justice Reinvestment Grant. Last year's grant was not fully expended and the Criminal Justice Commission will allow the County to carryover those funds for programs already approved in the last biennium. 2017-19 programs will continue to include the Pre-sentence Assessment program, Pre-sentence Assessment Supervision program, and transitional housing. The Community Service Restitution program is awaiting approval and would be managed by the District Attorney's office; it would allow offenders to pay restitution through community service work while receiving job training and skill development. This will be the first program like it in Oregon and only one of two in the nation. The Justice Reinvestment Grant totals \$310,915, with some funds going back to the Jail and Victims Services programs.

Commissioner McClure asked if the District Attorney's office would hire staff for the new program. Mr. Miller stated that the DA's office would hire staff and administer the Community Services Restitution Program.

Commissioner McClure asked about housing availability for offenders who are being released from jail or prison. Mr. Miller stated that there are twelve beds at the Oxford House and ten to

twelve beds at the Portland Street House; if those beds are full then local motels are utilized. Commissioner McClure asked if both facilities were privately owned; Mr. Miller stated that they were private. Mr. Miller added that the Oxford House is unique in that residents can pay their own way and stay long term; the majority of residents stay for a few months. He added that the Oxford House is a great asset to the community and they are considering adding a second facility.

Commissioner Beverage asked if job search assistance was included with the transitional housing program. Mr. Miller stated that part of the Probation Services Assessment Supervision program includes daily check-in for those who do not have a job, which helps with skill development and job searches.

Commissioner Howard asked if it would be difficult to spend the carryover funds. Mr. Miller stated that as long as spending is for the approved purposes, it can be carried over; some carry over was a result of less transitional housing needs. Commissioner Howard asked how clients in the Pre-Sentencing program are connected to services at the end of 180 days. Mr. Miller stated that CHD is involved from the beginning.

**Commissioner Howard made a motion to provide a letter of support for the Justice Reinvestment Grant. Commissioner Beverage seconded. Motion carried unanimously.**

### **Consent Agenda**

Commissioner McClure noted that the June 7, 2017 Commissioner meeting minutes indicated that Commissioner Howard requested Sheriff Rasmussen provide data showing the number of people arrested and jailed versus the number cited and released for shoplifting. Commissioner McClure stated that the Commission may need to make a formal request for that information from the Sheriff. Shelley Burgess, Administrative Officer, stated that she would make a formal request for the information. **Commissioner Howard moved approval of the consent agenda which included Commission meeting minutes from June 7, June 21, and August 9; and Claims journals from July 12, 13, 19, 20, 26, 27, and August 2, 3, 9, 10, 16, 17. Commissioner Beverage seconded. Motion carried unanimously.**

### **Administrative Matters**

#### **Discretionary Fund Recommendation**

Shelley Burgess, Administrative Officer, stated that a Discretionary Fund grant application was received from the Tri State Rodeo Company. The Discretionary Fund Advisory Committee recommended awarding \$2,500 to the applicant to support marketing, advertising, and promotion of the event.

Commissioner McClure asked Bob Kavanaugh, Union County Chamber of Commerce Director, if the Chamber was supporting the event. Mr. Kavanaugh stated that they were not financially supporting the event, but are in support of it and would engage with them to see how they could be helpful.

Commissioner Beverage stated that she would like to support the event in its first year; it is important to support events that could bring more people to Union County. The advisory

committee asked some hard questions during the application review process and there is a good group of supporters for the event. She recommended awarding the grant.

Commissioner Howard wondered about the Maverick's association with the event and how they might be changing their profile. Regarding the applicant's budget there was no line item for toilets and trash, which would seem like a major impact on County services or the fairgrounds. He wondered why the application was submitted so late considering the event would be taking place the same week.

Commissioner Beverage stated that the advisory committee was concerned about alcohol at the event and recommended that no alcohol be served on Family Night or only after youth events were completed. Commissioner Howard stated that he was curious about that; that recommendation did not ring well with him or make good business sense because it would cut revenue.

**Commissioner Beverage moved approval of awarding \$2,500 to Tri State Rodeo Company from the Discretionary Grant Fund. Commissioner Howard seconded.**

Commissioner Howard requested that discussion points be captured and sent to the rodeo company and the Fair Board.

**Roll call: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

#### Transient Room Tax (TRT) Funding Authorization

Mrs. Burgess stated that in earlier meetings the Commissioners discussed TRT funding requests but no approval was made to allocate the funds. She was seeking a motion to approve allocations to entities that were included in the budget:

- Tourism, Marketing & Promotion, \$55,000
- Union County Chamber of Commerce, \$20,000
- Blue Mt. Conference Center, \$20,000
- Discretionary Fund Grant, \$15,000
- Small Cities Service Organizations, \$6,000

Commissioner McClure stated that the Chamber requested an increase and that amount has to be tied to the proper management of the Conference Center. The venue is very important to the community and it was nearly lost because of ineptness. The community needs it and he does not care if any money is made on it. When the facility was built, the County stepped up in a lot of different ways to have the facility in this community. He does not want to see it continue to slide. He has all the confidence in the world that Mr. Kavanaugh understands and will work to turn it around. Commissioner McClure wants to protect the venue for the community.

Commissioner Beverage stated that the venue is an asset to the county and regionally. She also has confidence in Mr. Kavanaugh.

**Commissioner Howard moved approval to allocate funding as presented by Mrs. Burgess. Commissioner Beverage seconded. Motion carried unanimously.**

### Union County Economic Development Corporation (UCEDC) Funding

Mrs. Burgess stated that funding to UCEDC was included in the budget. At the last meeting, discussions included funding UCEDC for the first quarter, but no motion was made to release those funds. **Commissioner Howard made a motion to approve the expenditure of \$8,750 to UCEDC for first quarter FY 2017-18. Commissioner McClure seconded.**

Commissioner Beverage stated that at the last meeting the Commissioners had not yet seen UCEDC financials; now that they have been made available, she is not comfortable with what she saw and would not support funding UCEDC.

Commissioner Howard stated that funding to UCEDC is crucial. Despite what may appear in the newspaper, he does not think that it is necessary to take public opinion as being fully informed. He found it unfortunate that one dimension of UCEDC was made the focus of whether or not it is essential for this community. If the County does not support UCEDC then it is blunting the only county-wide economic tool it has; that would be enormously foolish and short sighted. Discussions about creating a Port District will move forward if the County has UCEDC. He is confident that UCEDC will get fixed. If the County does not fund UCEDC, it is sending the wrong message to the business community and potential businesses. It would be an example of poor planning. County officials need to step up to the plate and be better at economic development and lean on the experts. It is not just UCEDC that needs criticism.

Commissioner Beverage stated that there are many people working on economic development and doing a very good job, including the Small Business Administration, Northeast Oregon Economic Development District, and the Chamber of Commerce. These agencies are tracking their efforts and have measurable results. She did not think that efforts towards economic development were lacking in Union County.

Commissioner McClure stated that he understood Commissioner Beverage's point, but Union County has not seen results like Umatilla and Wasco Counties. Union County lacks availability of electricity to attract the big businesses that those counties now have. There are some basic problems that need to be addressed and there should be a community discussion about how to move forward. UCEDC needs to be a part of that and a coordinated effort is needed.

Commissioner Howard concurred with Commissioner McClure. He stated that he could not say that things are going well in this county when poverty is at 18.5%.

Commissioner Beverage concurred with Commissioner McClure regarding the things that Union County lacks and added that she is working on many of the things that were mentioned. A main topic at a recent meeting was broadband, which included Frontier and staff from Congressman Walden's and Congressman Wyden's offices. Industrial growth has been lacking at the Baum Industrial Park for many years, but now people are stepping up and working on it. Baum Industrial Park is now certified and businesses are looking at it.

Commissioner McClure would like to hold a discussion with UCEDC and the City of La Grande. If that means that the County needs to pay UCEDC's quarterly fee to have them at the table, then that is okay. Commissioner Beverage agreed that a community discussion was needed.

**Roll Call on releasing \$8,750 for first quarter FY2017-18 to Union County Economic Development Corporation: Commissioner Beverage, no. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried.**

#### Social Media Policy

Mrs. Burgess stated that the Commissioners discussed details about the proposed Social Media Policy and the County's legal counsel reviewed and endorsed the document. This would allow the County to utilize social media more actively and communicate better with citizens. **Commissioner Howard made a motion to adopt the Union County Social Media Policy. Commissioner Beverage seconded.**

Commissioner McClure felt that the policy was very well written and addressed all of his previous concerns. He hoped that social media would be used as a tool to communicate better with constituents using available technology. He stated that the authors of the document should be complimented; Mrs. Burgess stated that credit should be given to Jason Fouts and Wyatt Baum.

**Roll Call on Social Media Policy: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

#### Authorization for New Bank Account

Shelley Burgess, Administrative Officer, stated that in the past, U.S. Bank held a bank account for the County for the purpose of collecting taxes from property owners; they have discontinued that service and there is a need to establish a new account. Authorization is needed to open a new account at Community Bank where the tax collection service will be provided. **Commissioner Howard made a motion to authorize a new bank account as designated by the Treasurer. Commissioner Beverage seconded.**

Commissioner Beverage asked if the old U.S. Bank account would be closed. Mrs. Burgess stated that it had to be closed because it was established specifically for the collection of taxes.

**Roll Call on the authorization for a new bank account for tax collection: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

#### Bike Path Funding Expenditure Authorization

Mrs. Burgess stated that the County receives funding for bike/pedestrian paths each year; it normally accumulates over time and projects are often combined with other scheduled projects. The City of Island City received a ConnectOregon grant for the Greenway project and is interested in reviewing engineering options before moving forward with the grant. The County could make \$15,000 available to Island City to help them evaluate their options before their grant funds are used. If they start the project and do not complete it, then they would be obligated to reimburse those grant funds. The County has assisted communities with similar projects in the past, such as the City of Imbler for sidewalks and lighting and the City of North Powder for an improvement project. **Commissioner Howard made a motion to contribute \$15,000 to the City of Island City. Commissioner Beverage seconded.**

Commissioner McClure stated that the Greenway project has been in the works and the City of Island City finally got a grant to help with it. The County's bike/ped funds are not large enough to do much, but it can be contributed to cities for their projects. Doing so has been a better use of funds than building a partial trail elsewhere. This project is worth the investment.

Commissioner Howard agreed that this was a good investment opportunity. He predicted that there will be a need for cooperation and collaboration across the county. At some point the County will have to start working closely with all the cities to have a development policy for Parks and Recreation. Success will require that everyone hang together.

Commissioner Beverage concurred with Commissioner Howard and felt it was very important to support Island City as it has with other cities.

**Roll call on the approval to contribute \$15,000 to the City of Island City: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

Commissioner McClure recessed the meeting for a brief break and called it back to order.

#### **Court Order 2017-26; Partial Road Vacation, Road 411**

Scott Hartell, Planning Director, presented a staff report regarding a petition to vacate a portion of Road 411 and read Court Order 2017-26 in its entirety. He stated that a letter was received from Hancock Forest Management that opposed the road vacation unless it met their list of requirements. He stated that the County's legal counsel advised that an easement is a matter between Hancock and the private property owner and would have no bearing on a County road right-of-way.

Commissioner McClure asked if the road had ever been built. Mr. Hartell stated that it had not been built, but there is a small section with visible tracks and the adjacent property ownership surrounding the piece of land has a road for logging activity and land management. There is no evidence that anyone has used the right-of-way that was petitioned in 1892.

Commissioner McClure opened the public hearing.

#### **Public Comment**

Ron McKinnis stated that he represented Bernal D. Hug Farms and is the current owner of the property. He asked the former land owner if he could act as their agent, as he regularly does as a professional engineer and land surveyor. He researched records and found parts of the road in the title report, but it does not exist on the ground so it would be nice to have that cleaned up. The 1892 petition probably had some purpose back then but was never completely executed.

Commissioner Beverage asked if the 160 acres had the same land owner. Mr. McKinnis stated that he owns all 160 acres and also 80 acres on the south side. Commissioner McClure asked if there were any encumbrances on the property; Mr. McKinnis stated that there were not. Mr. McKinnis stated that the adjacent land owner conveyed that they had no need for the road either. This would clear up potential issues and would not affect adjacent property owners' access.

Commissioner McClure asked if it would landlock any owners. Mr. Hartell stated that it would not.

Commissioner Howard asked Mr. McKinnis if he received the letter of opposition from Hancock; Mr. McKinnis stated that he had not seen it. Commissioner Howard asked Mr. McKinnis if the County should be aware of anything in the letter. Mr. McKinnis stated that there are prescriptive easements where a landowner may get an encumbrance of use based upon a long standing process; they could have come forward and said it was used for a number of years, but that has never happened.

Commissioner Howard asked Mr. McKinnis to review the Hancock letter. Mr. McKinnis reviewed the letter in the meeting and stated that the primary reason he did not want a road through this property is so that they would have exclusivity to the property. He added that Hancock does not have a need for this road to access their own property; an easement is an encumbrance on the property owner and a benefit to Hancock.

There were no other comments and the hearing was closed.

Commissioner McClure stated that in reference to Hancock's requests, the County would not allow locked gates on a public road. He did not understand why Hancock was not present to explain their requests, but the letter appeared to be more of a demand. If there was a reason, he would be willing to consider their requests but they have the access they need.

Commissioner Howard stated that Wyatt Baum's email from August 15, 2017 to Scott Hartell citing ORS 368.331 stated that "Hancock Forest Management did not claim to have any easement right but rather asked for easements as a condition of approval of the petition. The petition claims that vacating the road would not hinder access by other property owners to their property." That is the determinant sentence for the decision to approve the petition to vacate Road 411.

Commissioner McClure stated that if approval had an impact, such as landlocking or undue hardship, then the decision could have been different.

**Commissioner Howard made a motion to vacate a portion of Road 411 as petitioned via Court Order 2017-26. Commissioner Beverage seconded. Motion carried unanimously.**

**Court Order 2017-27; Road Name Application – Mtn. View Lane**

Commissioner Beverage recused herself due to her personal interest in the matter.

Scott Hartell, Planning Director, stated that an application was received from Mark and Donna Beverage, King and Pam Spain, and Robert Collins to name a private road easement Mtn. View Lane. Public notice was provided and published for a public hearing.

Commissioner Howard asked if there were any recommendations on specific actions, potential impacts, or conflicts with existing names. Mr. Hartell stated that the name was run through the 911 dispatch center and there were no similar names.

Commissioner McClure opened the hearing; no comments were offered and the hearing was closed.

**Commissioner Howard moved approval of Court Order 2017-27. Commissioner McClure seconded. Motion carried.**

### **Administrative Matters**

#### Intergovernmental Agreement #1110 – Youth Development Department

Mrs. Burgess stated that this agreement is for the 2017-19 biennium Juvenile Crime Prevention program that funds the Workforce Development/Diversion Counselor. This is a renewal of a current program and legal counsel reviewed the document.

Commissioner McClure stated that it is the same thing that was done in the past and was a boiler plate agreement.

**Commissioner Howard moved approval of Intergovernmental Agreement #1110. Commissioner Beverage seconded. Motion carried unanimously.**

#### Resolution 2017-15: Worker's Compensation Coverage

Mrs. Burgess requested to table this Resolution and place on the September 6 meeting agenda.

#### Court Order 2017-31 and 2017-32, Appointments to MERA Advisory Committee

Mrs. Burgess stated that Robert Morgan had been serving on the Non-Motorized Advisory Committee and resigned. Court Order 2017-32 would appoint Elaine LaRochelle as an equestrian representative; her term would begin immediately and expire December 31, 2019. **Commissioner Howard moved approval of Court Order 2017-31 and Court Order 2017-32 in a single motion. Commissioner Beverage seconded.**

Commissioner McClure stated that Ms. LaRochelle is the Director of Facilities at Grande Ronde Hospital and would be a good addition to the committee.

Court Order 2017-31 would appoint William Coles to serve on the MERA Motorized Advisory Committee as a Class IV ATV representative. His term would begin immediately and expire December 31, 2019.

**Roll Call on approval of Court Order 2017-31 and 2017-32: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

#### Baum Industrial Park Infrastructure Project

Mrs. Burgess stated that the County received a grant through Regional Solutions to fund the Infrastructure Development project at the Baum Industrial Park. It has come to the County's attention that the waterline extension was not included for Landmark Lane. There is some concern about moving forward with road construction without putting the waterline in place. Brett Moore from Anderson Perry & Associates has been the consulting engineer on this project; he

designed the water line extension and it went out to bid. Three bids were received:

- LJH Construction, LLC \$29,431.50
- Steve Lindley Contracting \$42,625.00
- Michael A. Becker General Contractor \$61,375.00

Mrs. Burgess stated that Mr. Moore reviewed the bids and recommended awarding the bid to LJH Construction. She added that Mr. Moore noted that LJH Construction's actual bid shows total bid price is \$30,231.50, but the correct bid is \$29,431.50. Since there was no error in the unit price column, it does not affect the validity of the bid. Mrs. Burgess stated that the Commissioners could make the determination whether or not they want to add this extension to the project and if they would like to award the bid to the lowest bidder.

Commissioner McClure stated a business located in the Industrial Park wants water run to the business and it's appropriate for the County to do this now so that the street is not dug up later.

Mr. Wright stated that adding the water line now will set it up for future businesses in the Baum Industrial Park. He recommended any future waterlines from the main line be bored under the road without disturbing it.

**Commissioner Beverage made a motion authorizing the water extension project on Landmark Lane and awarding the bid to LJH Construction for \$29,431.50. Commissioner Howard seconded. Motion carried unanimously.**

**Ordinance 2017-03, Zone Amendment for Dry Creek, Inc. DBA Grande Hot Springs Resort**  
Scott Hartell, Planning Director, read Ordinance 2017-03 in its entirety. This would change the zoning of 16.3 acres from A4 Timber Grazing Zone to R-1 Rural Center and a Land Use plan Classification from Timber Grazing to RC Rural Center.

Commissioner McClure stated that it makes sense to amend the zoning as proposed because this section of land was not zoned the same as adjacent land and this is the County's opportunity to correct it.

Mr. Hartell stated that both sides of the property are being used as an RV Park and this will be more consistent with the use of the land.

Commissioner Beverage stated that the RV Park is a huge asset to the county and it is smart to clean up the zoning issue.

Commissioner McClure opened the public hearing.

#### Public Comment

Michael Rysavy, 65182 Hot Lake Lane, stated that he was the owner of the RV Park. He thanked the Commissioners for the time that was taken to review this and stated that Mr. Hartell did a great job. They have 23.5 acres with 7 zoned as A4; the majority of site improvements are on the A4 zoning. He wants the property's zones to be uniform to make additional improvements easier. He stated that the Planning Commission felt the petition met all the criteria and unanimously approved.

No further comments were offered and the hearing was closed.

**Commissioner Howard moved approval of Ordinance 2017-03. Commissioner Beverage seconded. Motion carried unanimously.**

The second reading of Ordinance 2017-03 was scheduled for September 6 at 10:30 a.m.

Commissioner McClure recessed the meeting and called it back to order.

### **B2H Staff Report**

Scott Hartell, Planning Director, stated that the B2H Staff Report is a work in progress and some edits may occur before the evening meeting. Idaho Power (IP) submitted their amended preliminary application for Site Certificate to the Energy Facilities Siting Council (EFSC) on July 19, 2017, which started the 45 day clock for Special Advisory Groups to do a completeness review. Union County can submit specific details of what IP did or did not address in the application. Although IP submitted the original application on February 28, 2013, they did not indicate which changes were made to the most recent application so past knowledge is not helpful. He is charged with reading the new application, which consists of twelve binders of information. A 30-day extension was granted for all exhibits except K and U; October 2 is the new deadline to submit comments on the application's completeness. He made a request to Oregon Department of Energy (ODOE) to allow the hiring of a consultant to assist and review the application for completeness. He found that the application lacked a lot of information about traffic, equipment, and routes; he requested a traffic impact analysis be completed at their cost. His requests also included a geologic slopes stability study, the hiring of a consultant for inventory purposes of the Oregon Trail, and the hiring of an aeronautics engineer to conduct a review of the multi-use area UN01 adjacent to the Union County Airport. That area is identified as being in protected air space and it needs to be protected as much as possible. The requests went before the EFSC Commission on August 18; they approved the County's request to hire a consultant to conduct a completeness review for Exhibits K and U only. EFSC denied the County's requests for traffic impact analysis, geologic slopes stability study, Oregon Trail study, and an aeronautic study. EFSC extended Union County's deadline to comment on the application's completeness for all Exhibits to October 2, 2017.

Commissioner Howard asked if Mr. Hartell had made other counties aware that Union County was granted an extension. Mr. Hartell stated that he regularly passes along new information to four other counties and they are very aware of what is happening here.

Mr. Hartell stated that the Commissioners' approval was needed to hire Sue Oliver from Elements Unlimited as a consultant. She previously worked for ODOE as the Siting Officer and was on the B2H project for its first five years; she is familiar with the B2H project, EFSC and ODOE Statutory requirements of applicants and Administrative Rules. The staff report from ODOE through the EFSC review included recommendations, which the EFSC Commission directly adopted and approved. Ms. Oliver drafted a scope of work reflecting those recommendations and includes the review of Exhibits K and U as well as assisting County staff in a review and evaluation of information presented in other Exhibits to determine completeness. He requested a consensus to enter into a contractual agreement with Sue Oliver/Elements

Unlimited to assist the County in review for completeness of IP's application. He would also like to work on the contract with Mrs. Burgess without additional Commissioner approval.

Commissioner McClure stated that the County is not paying for the consultant; funding will come from ODOE or IP. IP contends that adequate time was given to review the application since it has been out since 2013, but the County can't comment on its completeness with changes made. The application was not officially released until July 19 and it is grossly unfair more time was not given to review it. He stated that a lot of ideas came from public comments and he felt that the public meetings had been worthwhile.

#### Public Comment

Mary McCracken, La Grande, asked why the County was not considering Irene Gilbert as a consultant.

Commissioner McClure stated that the County is working with Ms. Gilbert; her comments have been helpful and would be included in the County's comments. The County will use her as an example of how citizens can help in this process.

Ms. McCracken stated that Irene Gilbert should be paid.

Commissioner Howard asked about the budget for the consultant. Mrs. Burgess stated that the County's proposal indicates that payment would not exceed \$10,000. Ms. Oliver charges \$160 an hour; service will be monitored per hour and based on the County's need.

Commissioner McClure stated that the County's Public Works, Planning, and Weed Program Departments have been working on this and showing some true concern about the transmission line. This is not a yes or no deal; this is a State process, not a County process. If the application is complete then it is taken to a public hearing. This is not a good application and there are conflicting statements throughout. There is a group of people in this community that think that this transmission line should not be built; it is fair to hold that opinion. The County's allegiance is not to ODOE or IP; it is to the citizens of Union County. They are proposing to place this line within 4/10 of a mile of La Grande and the citizens should know that.

Commissioner Howard stated that there was a consensus to hire the consultant. He suggested that, once completed, the contract be approved by Commissioner McClure, Mrs. Burgess, Mr. Hartell and County counsel. Commissioner Beverage concurred. Mrs. Burgess stated that the consultant would be hired with a personal services contract.

**Commissioner Howard moved approval to hire Sue Oliver/Elements Unlimited as a consultant on the B2H project with a personal services contract not to exceed \$10,000. Commissioner Beverage seconded.**

#### Public Comment

Peter Barry stated that since IP was paying for the consultant he did not know why the cost would be limited considering the length of the application. He would not want the County to hamstring itself.

Commissioner McClure stated that the Commissioners would take that into consideration.

Commissioner Howard stated that he was concerned about the slope stability studies; ignoring that would be short sighted. The County should make sure that the consultant's scope of work includes some of its own concerns. Slope stability studies have to be generated in order to do the job even though it cannot be done in the context of this contract.

Commissioner McClure stated that there were discussions of hiring a local geologist to study slope stability but it would need to be funded by the County and the City. He agreed that it should be done, considering the 1980 study that shows a fault line above Foothill Road where the line is proposed. Mr. Smutz's previous testimony about his fences sliding down the hill indicates that there is a legitimate question about putting a 500k volt on the side of the hill.

#### Public Comment

Lois Barry stated that she has a 1974 document prepared by the State of Oregon Department of Geology in regards to an application submitted to create a subdivision on Morgan Lake Road; it was denied by the County as a result of that study. Consultants don't have to prove that there is a problem; they just have to ask the right questions.

Commissioner McClure stated that Dr. Evans from Eastern Oregon University wrote a book with excellent research about the Oregon Trail from Farewell Bend to the other side of the Blue Mountains; that is something else to put on the table.

Commissioner Howard stated that one thing that has not been discussed is talking to the tribes and the potential loss of history and culture.

**Roll call on hiring a consultant as presented for the B2H project: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

Commissioner Beverage asked if the County could go back to EFSC to make a new request. Mr. Hartell stated that County could submit new requests. Commissioner Beverage agreed that the requests were all very important, especially geology studies. She suggested that the County resubmit two of the four original requests that were refused.

#### Public Comments

Mary McCracken asked how the transmission line might impact air control at the hospital.

Commissioner McClure stated that the point has been raised and the County will ask that question. He has been told that Oregon Aeronautics will conduct the study and provide a recommendation. If the applicant answers all the questions, the EFSC has to approve it. Right now the County has to address the application. Citizen concerns should focus on specific reasons they oppose the line and which part of the application does not meet requirements. The complete application is posted on the County's website. Recent evening public meetings were very worthwhile and the County needs to hear the citizen's concerns. The Commissioners' responsibility is to this community, not to ODOE, EFSC, or IP. He wants the public to be aware of the transmission line so that it is not a big surprise if they build it here.

### Public Comment

Peter Barry agreed that people should know about the line. It is a travesty that IP would be allowed to locate a line visible 30 miles away and only required to notify landowners that are within 500 feet from the line. Most people don't know that the line is coming and haven't even heard about it.

Commissioner McClure agreed that a discussion about notification boundaries is needed. The County as a government can't change the process, but the county as a community has the best chance to move it out of our backyard if the public shows up and objects to it.

### Public Comment

Lois Barry stated that it is interesting that IP has said in writing that they would not issue the preferred route until the EIS Record of Decision is issued. Some people think that a particular route is so egregiously bad that IP will say that if the community doesn't really want to look at it, then we will place it on the back side of Morgan Lake.

Mr. Hartell stated that since the consultant contract is not yet approved, he would like the Commissioners to consider an expenditure for Sue Oliver to be available for this evening's public meeting. He estimated that it would cost about \$1,000 for preparation, meeting time, and travel. Commissioner McClure stated that he thought the City of La Grande might be willing to pay for half of that expense.

**Commissioner Howard moved approval of an expenditure of up to \$1,000 for Sue Oliver/Elements Unlimited to provide consulting services at the evening meeting. Commissioner Beverage seconded. Motion carried unanimously.**

Mr. Hartell outlined the work plan for the evening meeting, which would include presentations and time for questions from the public. He did not request that ODOE or IP participate in the meeting, but IP will be at the meeting with photo representations of the routes.

Commissioner Howard asked if the evening meeting's documents were available online; Mr. Hartell stated that they were not because they were constantly changing, but it could be done if the Commissioners would like that. Commissioner Howard felt it might be helpful to do that. Mrs. Burgess stated that the documents could be uploaded at the end of the day.

Commissioner Howard asked if there was any cooperation with the City of La Grande. Mr. Hartell stated that he has had discussions with the City's Planner and Manager about codes, housing, and road standards. He added that since the City's Urban Growth expansion happened in November 2013 and IP's application was submitted in February 2013, IP does not have to address multi-use areas at the airport or the City of La Grande's requirements and development codes. There is some frustration that it is still unclear which roads IP intends to use.

Commissioner McClure asked if a contested case would be heard on the record; Mr. Hartell stated that it would be heard on the record. Commissioner McClure asked if the County does not put something on the record now, then could it be added later. Commissioner McClure stated that the County and the community needs to make sure that all questions and concerns are on the record now. Mr. Hartell stated that was correct.

Commissioner Howard stated that concerns have to be specific and not vague. Commissioner McClure agreed.

**Public Comment**

Lois Barry thought that it would be helpful to have a work session once Mr. Hartell completes the County's comments and allow everyone who has studied this for a length of time to comment so everything is included. She asked if landmarks could be included on maps showing routes. Mr. Hartell stated that he would have the GIS program available at the evening meeting to show landmarks, buildings, and road names.

Commissioner McClure stated that he has nothing against IP or EFSC, but the County needs to maintain neutrality on this issue since it works for the citizens.

**Next Meeting and Location**

The next regular Commission meeting is scheduled to take place at the Joseph Annex Building on September 6, 2017 at 9:00 a.m.

**Adjournment**

Commissioner McClure adjourned the meeting at 11:45 a.m.

Respectfully Submitted,

Lorcinda Johnston  
Sr. Dept. Specialist II