

Union County Board of Commissioners Meeting
June 11, 2008

Present: Commissioner R. Nellie Bogue Hibbert
Commissioner Colleen MacLeod
Commissioner Steve McClure

Call to Order

Chairman Hibbert called the meeting to order at 9:00 a.m. with all three commission members present.

Fireworks Committee

Steve Combs, Fundraising Coordinator for the Union County Fireworks Action Committee, talked to the Commissioners about the funding needed for the Fireworks show in Union County. He requested that the Commissioners could donate \$2500 as was donated last year to the fund for the Fireworks celebration. The Commissioners stated that it is a good, free, and fun event. **Commissioner MacLeod moved approval to contribute to the Union County Fireworks Action Committee. Commissioner McClure seconded. Motion carried unanimously.**

FEMA Natural Hazard Mitigation Plan

Resolution 2008-11, In the Matter of a Resolution Adopting the Northeast Region Multi-Jurisdictional Natural Hazards Mitigation Plan was presented for consideration. J.B. Brock, Emergency Services Officer, showed the Commissioners the Regional (Union, Baker, Wallowa Counties) Natural Hazard Mitigation Plan. It is an inventory of the past events or natural hazards that have happened in Union County such as floods and earthquakes. The plan is something that FEMA requires for the County to be eligible for future funding. There are three grant programs that are tied to the document, the pre-disaster mitigation grant program, the hazard mitigation grant program, and the flood mitigation assistance program. There has been talk that they may, in the future, tie post disaster funding to this document as well so it has been encouraged to have a Natural Hazard Mitigation Plan in place in case there is a disaster that is eligible for FEMA funding. The document was created through a collaborative process with different agencies. **Commissioner MacLeod moved approval of Resolution 2008-11. Commissioner McClure seconded. Motion carried unanimously.**

PSIC Grant Award

J.B. Brock, Emergency Services Officer, explained to the Commissioners about the Public Safety Interoperable Communications (PSIC) grant that was received. He stated that the PSIC Grant is a one time grant award by the Federal government. It is subsidized at the federal level by the sale of a range of frequencies. The funds from that were offered as a grant opportunity. Union

County was successful in receiving a \$160,000 grant that is dedicated to Phase Two of the overall communications grant. Phase One was an upgrade in the 911 center and the Mt. Emily communications site. There is progress being done on that project. Most of the work is completed at the 911 center and the permit should be obtained soon to construct at the Mt. Emily communications site. Phase two is the remote site upgrades. There are three remote sites that would increase the coverage dramatically. Those sites are Howard Butte, Worth Hill, and Johnson Rock. When the Howard Butte site is developed it will substantially improve the coverage in Elgin as well as some North county coverage that is not available now. The Howard Butte site will be shared with Wallowa County.

Intergovernmental Agreement

Tim Thompson, District Attorney, presented an Intergovernmental Agreement with the State of Oregon to the Commissioners. The State of Oregon represents itself and the County doesn't represent any State agencies but in the area of juvenile dependency the last legislative session set aside about \$2 million to contract with local District Attorneys to represent Department of Human Services (DHS) in juvenile dependency hearings where the children have been taken out of their home for a variety of different reasons. Tim explained that in the past the Attorney General has been assigned to represent DHS but some of the remote areas do not have enough coverage so the State is turning to the local District Attorneys in the area. There is an ethical conflict as well as a real conflict as to whether the County should be representing the State. This intergovernmental agreement would give the responsibilities of the Counties to represent DHS locally. When the D.A. takes on these cases they will be paid \$2600 per quarter or \$10,500 per year under the current agreement. The agreement was not signed earlier because there was not enough staff to handle the added work load. This was being done as staff time allowed but there will be a third deputy position available at the first of FY 2008-09 that will allow the District Attorney's office to take on the extra case load. Marlene Perkins, Administrative Officer, asked Tim if most counties have entered into this agreement. Tim stated that two-thirds of the counties have but there is a lot of record keeping involved in order to be reimbursed for the work. Commissioner MacLeod asked Tim if the third deputy D.A. would be too overwhelmed taking on these cases since they will be helping with the overflow of work already on the D.A.'s plate. Tim explained that these cases are being done and are divided amongst the three of the D.A.'s right now. This would allow them some additional coverage and the work can be absorbed. Tim believes it is worth while at this point to sign the agreement because this agreement can be released by either party at any time if needed. **Commissioner MacLeod moved approval of the Intergovernmental Agreement with the Department of Justice in the Juvenile Dependency Proceedings. Commissioner McClure seconded. Motion carried unanimously.**

Letter of Agreement

Jim Broughm, Juvenile Department Director, came to the Commissioners with an intergovernmental agreement with Umatilla County that has been signed in the past by the Commissioners. This is done annually for detention services.

Commissioner MacLeod moved approval of the Intergovernmental agreement between Umatilla County and Union County for housing juveniles in detention. Commissioner McClure seconded. Motion carried unanimously.

Consent Agenda

The May 15, 22, and 29 claims journal and May 22 and 29 public works claims journal were approved as presented on the consent agenda.

Wallowa Union Railroad Authority Loan Approval

Commissioner McClure explained when the Wallowa Union Railroad Authority (WURA) agreement was done there was a provision made which stated that any loans WURA would take needed pre-approval from the County Commissioners. WURA is asking to borrow \$75,000 from Community Bank. WURA has done this twice before in an interim situation and it does not go against Union County or Wallowa County, it goes against the assets of the Railroad. There has been some surplus property identified that would cover the amount of the loan. This has not been fully approved by the WURA board but this is a step they have to take before they can go out for the loan. Commissioner McClure recommended approval of the loan. Commissioner McClure explained that Commissioner Mike Hayward, Wallowa County, has had conversations with Economic Development and part of the problem WURA is having is that the business plan was sent to Economic Development in December and they have not been able to have the meetings with Economic Development that they need in order for the plan to be finished. They are hoping to have the plan done in the near future. Commissioner McClure explained that WURA has more collateral than the amount of the loan so there is no risk at all. **Commissioner McClure moved approval of authorization of a loan for WURA in the amount of \$75,000. Commissioner MacLeod seconded. Motion carried unanimously.**

Marine Board Contract Approval

Marlene Perkins, Administrative Officer, presented the annual Marine Board contract for Boating Safety and Law Enforcement in Union County to the Commissioners. This is with the Union County Sheriff's office and with the Oregon State Marine Board. There is a budget of \$16,952 of which \$10,265 comes from the State with a County match in supplies and vehicles of \$6,687. **Commissioner MacLeod moved approval of Boating Safety and Law Enforcement Services Contract. Commissioner McClure seconded. Motion carried unanimously.**

Memorandum of Understanding with the U.S. Forest Service

Marlene Perkins, Administrative Officer, presented the Commissioners with a Memorandum of Understanding with the U.S. Forest Service. Commissioner MacLeod stated that the U.S. Forest Service is writing a travel management plan and has asked Baker County, Grant County, Umatilla County, Wallowa County, and Union County to be cooperators in writing the travel management plan which has met with some resistance in the past. This has been moving around within the Counties to get signatures and there will then be a meeting between the Counties and the Forest Service to develop the travel management plan.

Commissioner McClure moved approval of the Memorandum of Understanding between Forest Service, USDA, Wallowa-Whitman National Forest and Baker County, Grant County, Umatilla County, Union County, and Wallowa County, Oregon. Commissioner MacLeod seconded. Motion carried unanimously.

FAA Grant Offer

Marlene Perkins, Administrative Officer, presented a grant offer that was received from the FAA for the La Grande, Union County Airport project. This is specifically for the rehabilitation of Runway 16-34 phase 2 in the amount of \$22,481 which is in addition to other money received for that project.

Commissioner McClure moved approval of the grant offer from FAA to the La Grande, Union County Airport. Commissioner McClure seconded. Motion carried unanimously.

Vesting Determination – Swartz Measure 37 Claim (Tentative/Final Decision)

Hanley Jenkins, II, Planning Director, explained to the Commissioners that written and oral testimony was accepted on May 8, 2008 on the vesting request made by the Swartz. The Commissioners allowed testimony from all parties until May 14, 2008. The Swartz were given until May 21, 2008 to submit rebuttal testimony. The Commissioners then took all of the testimony under consideration and on June 11, 2008 made a tentative decision in which Hanley made findings, conclusions, and a final decision for the Commissioners consideration.

Commissioner Hibbert stated that it was very appropriate and timely that the Supreme Court decision came through that helped the Commissioners with this decision. Commissioner Hibbert stated that after reading all of the testimony and the findings provided by Hanley she is clear the direction the Commissioners should go. Commissioner McClure agrees with Commissioner Hibbert and stated that there is an element of unfairness but it has been adjudicated at the Supreme Court level and it makes it clear that Measure 49 is the law to go by in this situation. **Commissioner McClure moved adoption of findings, conclusions, and final decision for the Swartz Vesting request as presented. Commissioner MacLeod seconded. Motion carried unanimously.**

Planning Department Fee Schedule

Resolution 2008-10, In the Matter of Union County Land Use Regulation Application Fee Amendments was presented for consideration. Hanley Jenkins, II, Planning Department Director, prepared suggested fee increases for planning department applications for the Commissioners consideration. Hanley is proposing that the fees be increased for the functions that the planning department charges for. There are some items added in which fees were not collected for in the past. Hanley gave the Commissioners a comparison between other Counties fees and Union County fees. The planning department fees have not increased since 1979 and most jurisdictions have been more aggressive about their fee schedules. Hanley stated that some of the other County planning departments are solely or partially funded by fees collected. Union County's planning department is supported by the general fund as well as the fees. Hanley explained that even after increasing the fees it still does not cover the cost of processing the requests and Union County's fees are still the lowest in the State. Commissioner McClure asked Hanley what the surrounding Counties are charging for their planning fees. Hanley stated that Union County is still lower than the adjoining counties, but he did not have the figures of those counties. Commissioner Hibbert stated that raising the fees has been talked about for a number of years and she has been pleased to see the numbers are coming close to the other Counties in Oregon. Commissioner McClure suggested that comparisons from the adjacent Counties be done and to hold any decision until the next Commission meeting so the public will have time to voice their concerns. This subject was tabled to the next meeting on June 25, 2008 at 2:00 p.m.

Union County Surplus Property

Court Order 2008-28, In the Matter of an Order Directing the Union County Sheriff to Sell Surplus County Property, Establishing Terms of Sale and Minimum Price was presented for consideration. Scott Hartell, Associate Planner, explained to the Commissioners that there was a lot of record dwelling that was approved by the planning commission for the Goode Road surplus property that will go to the sale, but there was an appeal of the Planning Commission's decision that is currently in the appeal process and will be addressed at the next Planning Commission meeting on June 23rd, 2008. Scott stated that he felt that even with the appeal in process the Court Order can still be approved and the steps to start the sale can continue. Scott asked the Commissioners if they were okay with the appraisal prices and minimum bids that were set on the properties. Scott explained that this Court Order would allow the Sheriff to notify the newspaper of the sale of the surplus property. The Sheriff has to have four opportunities of notification which would be once a week for four consecutive weeks of notice. The Sheriff would handle the notification process and accept the bids. Commissioner McClure would like to put a condition on the #2 property that it is subject to an easement to do the stream restoration work at the stream on the property. Scott agreed to put that provision in the sale of that property. Scott

Union County Board of Commissioners
June 11, 2008
Page 6 of 6

explained that if there is an issue with any of the properties specifically the one that is in the process of an appeal for the lot of record dwelling they can be pulled from the sale by the Commissioners at any time before the sale. **Commissioner McClure moved approval of Court Order 2008-28 with the condition on property #2. Commissioner MacLeod seconded. Motion carried unanimously.**

Adjournment

The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

Ashley Wilhelm
Department Specialist