

Board of Commissioners Meeting  
September 7, 2016

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

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

**Public Comments and Concerns**

Constituent Concerns

Commissioner Howard stated that a question was raised at the Union County Mayors meeting about how authorities responded to and managed the recent power outages.

Partition Plat Public Comment

Rick Robinson, 2006 Adams Avenue, La Grande, stated that this topic was scheduled for the following meeting, but extenuating circumstances created an immediate need for the commissioners' consideration. Commissioner Howard asked if this was the appropriate time to hear the request. Commissioner McClure stated that this type of request is normally placed on the agenda. He added that if Mr. Robinson is bringing a concern, then it is appropriate and the commission isn't obliged to take action.

Mr. Robinson stated that all required signatures have been collected on the partition plat with the exception of the City of La Grande and Union County. He understands that the county will not sign plats until all other signatures have been collected, but the city won't meet until the evening. The plat must be filed and deeded by the following Wednesday. Mr. Robinson requested the commissioners to approve the request contingent upon the City of La Grande's approval.

Shelley Burgess, Administrative Officer, stated that the request does not require a public hearing. Previous practice has been to place the request on the agenda as a topic for discussion, but she is not aware of anything that would prevent the commissioners from making an exception due to the circumstances. In the interest of time, the commission has previously made approvals contingent on other actions. The commission has the ability to consider the request and approve contingent on the city's approval.

Commissioner McClure asked if it was inside city limits; Mr. Robinson stated that it was. Commissioner McClure stated that the law requires the county's approval because of the dedication but the county does not have any decision making authority in the process. Mr. Robinson agreed and added that the county has never refused to sign a document; if the county did not want the dedication, then it could refuse. The county is merely legitimizing the dedication of a road. Commissioner Davidson stated that the dedication is to the City of La Grande. Mr. Robinson agreed and added that it has been done this way because there is no specific ordinance to authorize the city to accept public right-of-way. It is the county's jurisdiction to do that unless an ordinance states otherwise and there are none that he is aware of or that the former County Planner found.

Commissioner Davidson stated that he didn't know of a reason for the commission to refuse to review and provide contingent approval. The commission's role is to facilitate the business at hand and there is no reason to not at least consider it.

Mr. Robinson presented a copy of the document for the commission to review. Commissioner Davidson asked if it had been reviewed by the city's Planning Commission; Mr. Robinson stated that it had. He added that the property taxes have been prepaid.

**Commissioner Davidson moved to approve the partition plat as presented by Mr. Robinson contingent on approval of the City of La Grande City Council. Commissioner McClure seconded.**

Commissioner Howard stated that he will not ever vote for many things that come up in this manner. He questioned if the land owners had retained legal counsel regarding the Wednesday deadline. He is not comfortable making a decision contingent on another jurisdictional action.

**Roll call: Commissioner Davidson, yes. Commissioner McClure, yes. Commissioner Howard, no. Motion carried.**

#### Burn Ban Public Comment

Larry Wooldridge, Union County Fire Chief, 10200 S. McAllister, Island City, recommended to ease the burn ban and return to regulated fire season. The area has received some precipitation and nights will become longer and colder. The burn ban was an extreme measure and not intended to continue through the whole season. Oregon Department of Forestry has also eased their regulations. Commissioner McClure asked if there were any concerns with the forecast; Mr. Woolridge stated that he was not concerned and there was only one large fire in the area that had been downgraded.

Mrs. Burgess stated that the approval should be made by a motion since the burn ban was implemented in the same way.

**Commissioner McClure moved approval of lifting the burn ban. Commissioner Davidson seconded. Motion carried unanimously.**

#### Planning Grant Public Comment

Donna Beverage, 1598 N. Cove, Union, asked if the grant for the Grande Ronde River would provide money to farmers for water storage. Commissioner Davidson stated that the Integrated Place Based Water Resource Planning Grant is to study the availability of and quantity of water versus demand on a week-by-week basis, quantify the quality of water that is needed by those demands, and identify potential projects for storage opportunities. It is in the foundational stage and there is no money for implementation.

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

#### Court Order 2016-29, Annexation to Livestock District,

Scott Hartell, Planning Director, 1001 Fourth Street, La Grande, stated that the Clerk's office received a petition requesting annexation of 400 acres into Livestock District #1. Joel Rice submitted the petition and is the sole owner of property to be annexed. Mr. Hartell felt it met the requirements of ORS 607.010.

The Court Order presented for consideration would have scheduled a date and time for a public hearing to consider the annexation petition.

Commissioner McClure stated that it is his understanding that only boundaries can be considered at a hearing; and that approval of the petition is not considered at the hearing. He would like to see the boundaries before making a decision. He asked if the area was traditionally grazed; Mr. Hartell stated that it was. Commissioner McClure asked why there was one section on the map that was not highlighted; Mr. Hartell stated that the property owner did not want to participate in an earlier annexation. The current petition is to extend the leg to the southwest. Commissioner McClure requested a list of adjacent property owners and more Livestock District detail; Mr. Hartell stated that he would collect that information for the commission. Commissioner McClure expressed concerned that there can be issues when an area is annexed to a Livestock District that has been traditionally grazed. Mr. Hartell suggested touring the property from Foothill Road.

**Commissioner McClure moved to table the issue until more information is made available. There was a consensus to table the issue.**

#### Surplus Motor Grader

Doug Wright, Public Works Director, 10513 N. McAllister, La Grande, requested approval to surplus one used 2003 160 H Caterpillar motor grader with 7,078 total hours. Commissioner McClure asked for more details about the equipment. Mr. Wright stated that the equipment is at its breaking point and would require more repairs if kept. It is an extra motor grader in the fleet. Proceeds from the sale would be used to buy out the Union motor grader contract; the county would then own the motor grader with 3,300 hours, which would last longer. Commissioner McClure asked if the sale would provide enough funds to buy out that contract. Mr. Wright stated that an additional \$40,000 would be needed to buy out the remaining lease. The surplus would be made available by public auction through sealed bids; the highest bidder would win the bid. Commissioner McClure hoped that a minimum bid would be required.

Commissioner Davidson asked about plans for when the county is down to five graders. Mr. Wright stated that the extra grader sits most of the time anyway and there is more value in selling the old grader and getting a newer one with less hours. It would establish one grader owned by the county and four remaining on leases. His plan has been to have a combination of ownership and lease. Commissioner McClure stated that in the past an extra grader was kept for winter time and asked if Mr. Wright was concerned about having one less grader. Mr. Wright stated that there is a problem finding someone to run the extra

grader. The county is covered with five graders, and if weather conditions were really bad then the county could rent an extra for one month. Commissioner McClure stated that the county may need to go this way with all equipment due to the future of transportation funding. Mr. Wright stated that the grader's value continues to depreciate and makes it harder to reach the goal of owning half of the motor graders. If funding falls away, some of the leased graders could be sent back and half could be kept as they would be owned by the county.

**Commissioner McClure moved approval to surplus the motor grader as recommended. Commissioner Davidson seconded.**

Commissioner Howard asked if there were records indicating the increase of repairs; Mr. Wright stated that records have been kept. He added that the tell-tale sign is the number of hours; maintenance goes up as it nears 10,000 hours. He added that it has resale value at 7,000 hours that can be used to upgrade another grader. The grader he would like to buy hasn't had any problems or warranty work and is a good piece of equipment.

Commissioner Davidson asked how old the grader was that he was planning to purchase; Mr. Wright stated that it is a 2011, four-wheel drive. Commissioner Davidson asked about the status of the remaining leases. Mr. Wright stated that two contracts were coming up at the end of October, which are the Union and North Powder graders. There are a lot of problems with the North Powder grader; the plan is to get rid of it and upgrade to an all-wheel drive grader. One of the leases will then be reduced by buying out the Union grader. Commissioner Davidson asked if the county would then have one owned grader and four leased graders; Mr. Wright stated that was correct.

Commissioner Howard asked how many hours were on the North Powder grader; Mr. Wright stated it had about 4,000.

Commissioner McClure asked if consideration had been given to reducing from five to four grader districts. Mr. Wright stated that it had and would continue to be considered if funding becomes a concern. If the Union grader is owned, then boundaries can be readjusted and a lease payment could be eliminated.

**Roll Call: Commissioner Davidson, yes. Commissioner McClure, yes. Commissioner Howard, yes. Motion carried unanimously.**

#### OACES Proposal - Transportation Funding

Mr. Wright stated that OACES proposed a funding formula to distribute new state highway gas tax funds to counties. The current distribution is based on the number of registered vehicles in each county. Many counties with small populations and high road miles believe funding is inadequate to support their road department. OACES proposed a change in the special county allotment for any new revenue generated from a package passed in the 2017 Legislative session. This proposal was supported unanimously by the road officials in attendance at the OACES Spring Conference. This formula would equate to an increase of \$298,052 in new revenue for Union County. The next step is to present the proposal to the

AOC transportation steering committee and then the AOC Legislative committee for their consideration and support. A lot of work has gone into the new formula to distribute new revenue more fairly. The formula would include road miles, vehicle registration, and mile to vehicle registration ratio for each county. There was some opposition to changing the existing formula since bigger counties would get less and smaller counties would get more, so the proposal focused on new revenue only. He hopes to have support of all three commissioners.

Commissioner McClure suggested discussing this at the AOC District 1 meeting with all of the eastern Oregon counties and taking a universal position. Commissioner Davidson thinks the transportation funding issue is of great concern to all counties and should be on all district meeting agendas. The counties will have to come together as a group and get behind a proposal or risk leaving the Legislature with nothing. The Committee on Transportation Preservation and Modernization was clear that they wanted a solution supported by all the counties. He is not wild about it, but it is a 2.8% increase for Union County. There was an agreement in hand at the last session until Washington County backed out. He can support this if other counties come together on it.

Mr. Wright stated that the previous agreement fell flat after extensive iterations and then refocused on a formula with new funding revenues only. They have sought input from Washington County on the new proposal and hope that it doesn't fall flat again. There has been some buy-in at OACES and now needs the support of AOC.

Commissioner Howard stated that the formula seems like an olive branch.

Mr. Wright stated that something has to be done because there are counties like Wheeler County with lots of miles and little funding who are losing because it is based on vehicle registration. Commissioner Davidson agreed that something needs to be done because smaller counties are trying to manage their road departments on a tight budget because of the current allocation. Hopefully a proposal will have the support of all the counties. Mr. Wright stated that this is the first proposal that they felt they had better support for.

Commissioner Davidson thinks the commission should strongly consider taking a position today since it is on the AOC steering committee's agenda for the following Monday.

**Commissioner Davidson moved to support the OACES proposal. Commissioner McClure seconded.**

Commissioner McClure stated that funding is subject to ODOT being audited; they have attempted to retain an auditor without success. The Governor has said that they will not move forward with any new funding until an audit is completed. He thinks this proposal will require more than individual county support and should be discussed at the AOC District meeting. There are some issues that are not included in the formula, such as huge reserves that some counties have. Seeing those counties get increases in the formula doesn't make him feel in strong support of it. Mr. Wright stated that that concern was talked about; they tried to set that aside and focus on new revenue from state highway tax. It becomes more

complex to include county reserves as part of the formula. He agreed that it is well and good to have that conversation as commissioners.

Commissioner Howard stated that it would be interesting to see it as a percentage of total county budget. Commissioner Davidson stated that you would need to be careful looking at the budget and general fund dollars that cannot be used on county roads.

Commissioner Howard asked what format is needed to move forward on the motion to support the proposal. Mr. Wright stated that the commission would need to show support for the formula as is.

Commissioner Howard wondered how the specific matrix may change in the coming months and how to express the level of support. He stated that there was a consensus to support it. Commissioner Davidson didn't think there was a consensus and added that if there are changes to the formula, then the support would have to be reaffirmed. He would not give his support carte blanche without limits. Mr. Wright stated that the request is to accept the formula as it is proposed and if changes occur then support could be nullified.

Commissioner Davidson asked how long it took to reach this point. Mr. Wright stated that it took two years at the OACES level.

Commissioner McClure asked if the Public Works department could be run with funds as allocated in the formula if SRS funding isn't continued; Mr. Wright stated that it could not continue as is. Graders would be shipped back and services would be reduced. Commissioner McClure thinks that it needs to be publicly stated that this is not a safety net and passage would just make it hurt a little bit less if SRS funding is lost. Mr. Wright stated that the formula helps support smaller counties in Eastern Oregon; Union County could end up in that same situation. Commissioner McClure stated that he didn't want people to think that by signing the document, it would fix the SRS funding concerns; it is just to express that it is better than what Union County has now and some tough decisions would still have to be made. He won't say that he won't support it.

Commissioner Davidson stated that if the county can't operate Public Works with the increase, then it clearly cannot be operated without it. If the compromise that has taken OACES two years to work out is sufficient, then counties will have to agree to the best deal that has a chance of passing. Then it can be revisited as it changes and moves through the process; the chance of it moving through the next session is pretty slim.

Commissioner McClure stated that the support letter should clearly state that the proposal will not solve all of the county's funding issues, but it is being done for the good of all counties. SRS funding has kept the department running, but it is not even known if that funding will continue. He agrees in principle that it may be the best proposal to consider and a lot of time has been spent to create it. He would support the concept with the understanding that it is brought to the AOC District meeting and an in-depth discussion takes place. The letter needs to express the reality of what it will mean to Union County.

Commissioner Howard stated that the motion to approve is in support of the miles-vehicle ratio proposal in its present form. Commissioner Davison stated that the motion was in support of the proposed distribution of new funding, not a modification to any of the existing formulas; Mr. Wright agreed that was correct. Commissioner McClure stated that it is easier to adjust allocations with new funding than to reduce current funding. He would vote to support the proposal with the understanding that the letter would include his suggested details.

**Roll Call: Commissioner Davidson, yes. Commissioner McClure, yes. Commissioner Howard, yes. Motion carried unanimously.**

PUBLIC HEARING: Ordinance 2016-02, Ratifying the Intergovernmental Agreement Creating the Oregon Association of County Engineers and Surveyors (OACES) – Second Reading

Commissioner Howard stated that no request was made to read the ordinance into the record. Mrs. Burgess provided a staff report and stated that this action was recommended by AOC's legal counsel. A public hearing was held and the first reading was approved on August 3, 2016. No public comment was received orally or in writing.

**Commissioner McClure moved approval of Ordinance 2016-02. Commissioner Davidson seconded. Motion carried unanimously.**

Consent Agenda

**Commissioner Davidson moved approval of the Consent Agenda, which included Claims Journals for July 27, 28, August 3, 4, 8, 10, 11, 17, 18, 19, 24, 25, 29, 31, and September 1. Commissioner McClure seconded. Motion carried unanimously.**

Administrative Matters

Public Transit Agreement 31413 – Rides to Wellness Program

Mrs. Burgess stated that this agreement would replace the expired Rides to Wellness contract and would provide funding August 16, 2016 through June 30, 2018 in the amount of \$98,125. Reimbursement is eligible for same-day transportation services for medical care, primarily to elderly, passengers with disabilities and persons living with low income. The program is implemented through a subrecipient agreement with Community Connection, who provides the services.

Frank Thomas, Public Transit, 2204 East Penn Avenue, La Grande, thanked the commission for their leadership and helping sponsor this grant. As a private non-profit, his agency could not accept the funding directly. The project is 25 months old, has provided about 5,000 rides to people who needed medical care and would not have received it otherwise; this included 2,600 same-day add-on rides. Studies indicate that for every dollar spent on the program, about \$7 to \$11 is saved through a decrease in unnecessary emergency room visits and hospitalizations.

Commissioner McClure asked how referrals are made to the program. Mr. Thomas stated that out of town referrals come from doctors themselves. It used to take days for providers' offices and the hospital to coordinate transportation; this program now does it in an hour or less. Patient care is improving as a result and it is cost effective. Commissioner McClure asked for more clarification of the savings; Mr. Thomas stated that he would email the 30-page document. The savings is realized when transportation is part of preventative care that results in patients avoiding greater care or treatment. Walk-in clinic patients make up the largest consumer group of same-day trips. This grant was considered a state-wide priority and was not taken from Region 5's allocation.

**Commissioner McClure moved approval of Agreement 31413, Rides to Wellness Program. Commissioner Davidson seconded. Motion carried unanimously.**

Court Order 2016-30, Appointment to the Health and Human Services Advisory Committee  
Mrs. Burgess stated that Ronald Lesley applied to serve on the committee as a representative of the recovery community; there is currently no representation for this area on the committee but it has been a need for some time. His term would begin immediately and expire December 31, 2020.

**Commissioner McClure moved approval of Court Order 2016-30. Commissioner Davidson seconded.**

Commissioner Howard asked why it was difficult to find this type of representation; he wondered if it was due to limited resources or access to recovery treatment. It seems to be a recurring obstacle. He doesn't know if it means that there is a complete lack of services or if it suggests a serious need to bring in more providers. Commissioner McClure stated that there is not a lack of providers. Commissioner Howard stated that there seems to be few providers.

**Roll Call: Commissioner Davidson, yes. Commissioner McClure, yes. Commissioner Howard, yes. Motion carried unanimously.**

Office Space Lease Agreement– Weed Department (4-H & Extension District Board)  
Mrs. Burgess stated that the commissioners would consider the next two items in their capacity as the Board of Directors for the 4H & Extension Service District. She would sign the agreement on behalf of the county. The Weed Department office space lease is for space in the Ag Services building; it is a 5 year lease beginning September 1, 2016 and terminating August 31, 2021. It includes a 60-day termination notice. The rent rate is \$15.30 per square foot per year, totaling \$2,142 annually.

**Commissioner McClure moved approval of the Office Space Lease Agreement for the Weed Department. Commissioner Davidson seconded. Motion carried unanimously.**

Office Space Lease Agreement – Water Master (4-H & Extension District Board)  
Mrs. Burgess stated that commissioners would consider this item in their capacity as the Board of Directors for the 4H & Extension Service District. The Water Master office space



lease is for space in the Ag Services building; it is a 5 year lease beginning July 1, 2016 and terminating June 30, 2021. It includes a 60-day termination notice. The rent rate is \$15.30 per square foot per year, totaling \$1,989 annually.

**Commissioner McClure moved approval of the Office Space Lease Agreement for the Weed Department. Commissioner Davidson seconded. Motion carried unanimously.**

**Next Meeting and Location**

The next meeting is scheduled to take place on September 21, 2016 in the Joseph Annex Building.

**Adjournment**

The meeting was adjourned at 10:19 a.m.

Respectfully Submitted,

Lorcinda Johnston  
Sr. Dept. Specialist II