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[www.morrowcountyhealthdistrict.org](http://www.morrowcountyhealthdistrict.org)

4/24/2023

OGEC  
3218 Pringle Rd. SE, #220,  
Salem, Oregon, 97302-1544

To Whom It May Concern:

On April 17, 2023, Mr. Jeff Wenzholz was alerted to the fact that he has a conflict of interest in that he serves on the Good Shepherd Board of Trustees (since 2019) and he is now a Morrow County Commissioner making decisions that directly impact Morrow County Health District's financial viability. Although Morrow County Health District collaborates with all other healthcare providers in the region, ultimately, MCHD is a competitor of Good Shepherd.

Mr. Wenzholz has refused to acknowledge this conflict and continues to discuss and vote on important issues impacting MCHD, even when those issues specifically involve Good Shepherd (as in the case of BFRD stating they wish to perform non-emergency transfers for Good Shepherd as a rationale for ambulance licensing).

Attached are minutes and agendas from recent BOC meetings showing Mr. Wenzholz's participation. It is important to note that in instances where there is a split vote, Mr. Wenzholz's vote has a significant impact.

As I understand it, this conduct is prohibited under ORS 244.040:

**244.040 Prohibited use of official position or office; exceptions; other prohibited actions.** (1) Except as provided in subsection (2) of this section, **a public official may not use or attempt to use official position or office to obtain financial gain** or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or **any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.**

I appreciate your attention to this matter, which has serious financial and operational implications for Morrow County Health District.

Sincerely,

Emily Roberts  
Chief Executive Officer  
Morrow County Health District  
[emilyr@mocohd.org](mailto:emilyr@mocohd.org)  
541-676-2915

## Emily Roberts

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**From:** Emily Roberts  
**Sent:** Monday, April 17, 2023 1:38 PM  
**To:** 'Justin Nelson'; Roberta Vanderwall; 'dsykes@co.morrow.or.us';  
'jwenholz@co.morrow.or.us'; 'rdrago@co.morrow.or.us'  
**Cc:** 'Troy S. Bundy'  
**Subject:** Concerns about conflict of interest  
**Attachments:** Letter to BOC re Conflict of Interest - 04-17-23.pdf  
**Importance:** High

Good afternoon,

Please see attached letter from Morrow County Health District expressing our formal objection to Commissioner Wenholz voting on issues involving MCHD, including our ambulance service, due to a conflict of interest.

Best,

*Emily Reynolds Roberts*

Chief Executive Officer  
Morrow County Health District  
564 E Pioneer Drive  
Heppner, OR 97836  
Phone: 541-676-2915

Website: [www.healthymc.org](http://www.healthymc.org)

Strengths: ● Input ● Strategic ● Relator ● Achiever ● Activator



4/17/2023

Morrow County Board of Commissioners  
110 N. Court Street  
Heppner, OR 97836

To the Morrow County Board of Commissioners:

I am writing to convey Morrow County Health District's formal objection to Commissioner Jeff Wenzholz voting on issues concerning Morrow County Health District, to include issues concerning ambulance services, due to a conflict of interest.

Commissioner Wenzholz actively serves as a member of Good Shepherd's Board of Trustees, a position he has held since 2019. This presents a conflict of interest for the following reasons:

1. Boardman Fire Rescue District has publicly stated as part of their rationale for becoming a licensed ambulance provider that they wish to contract with Good Shepherd for non-emergent transfers.
2. Good Shepherd has stated their intent to expand services in Boardman in competition with Morrow County Health District and has taken action (purchasing property) along these lines.

Creating a new ambulance service area in Boardman to be awarded to Boardman Fire Rescue District will cause severe financial implications with regard to the District's overall ambulance service to Morrow County, which ultimately harms Morrow County Health District overall as an entity. De-stabilizing the Morrow County Health District would give an advantage to competitors, such as Good Shepherd.

Morrow County Health District is requesting:

1. A formal determination or statement from Commissioner Wenzholz in the next Board of Commissioners meeting (Wednesday, April 19, 2023) addressing this conflict.
2. That this letter be incorporated into the public record for the April 19, 2023 meeting.

Respectfully,



Emily Roberts  
Chief Executive Officer  
Morrow County Health District

## Emily Roberts

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**From:** Emily Roberts  
**Sent:** Friday, April 21, 2023 3:24 PM  
**To:** 'David Sykes'; Diane Kilkenny; Roberta Vanderwall; Justin Nelson  
**Cc:** 'Troy S. Bundy'  
**Subject:** RE: Concern about preferential treatment of BFRD

Okay, well I guess I need to state for the record that I think our letter about Wenholz's serious conflict of interest was pertinent to the same topic and that it ethically should have been included, especially if changes were already being made to the packet.

Best,

*Emily Reynolds Roberts*

Chief Executive Officer  
Morrow County Health District  
564 E Pioneer Drive  
Heppner, OR 97836  
Phone: 541-676-2915

Website: [www.healthymc.org](http://www.healthymc.org)

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**From:** David Sykes <[dsykes@co.morrow.or.us](mailto:dsykes@co.morrow.or.us)>  
**Sent:** Friday, April 21, 2023 1:00 PM  
**To:** Emily Roberts <[emilyr@moco hd.org](mailto:emilyr@moco hd.org)>; Diane Kilkenny <[dianek@moco hd.org](mailto:dianek@moco hd.org)>; Roberta Vanderwall <[rvanderwall@co.morrow.or.us](mailto:rvanderwall@co.morrow.or.us)>; Justin Nelson <[jnelson@co.morrow.or.us](mailto:jnelson@co.morrow.or.us)>  
**Cc:** 'Troy S. Bundy' <[TSB@hartwagner.com](mailto:TSB@hartwagner.com)>  
**Subject:** RE: Concern about preferential treatment of BFRD

**\*\*\* CAUTION! This email came from outside the Morrow County Health District network. Do not open attachments or click links if you do not recognize the sender. \*\*\***

He was asking for substantial changes to an agenda item the board was preparing to vote on  
The board is not going to vote on an agenda item without knowing that information

David Sykes  
Morrow County Commissioner  
541-256-0379

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**From:** Emily Roberts <[emilyr@moco hd.org](mailto:emilyr@moco hd.org)>  
**Sent:** Friday, April 21, 2023 7:45 AM  
**To:** David Sykes <[dsykes@co.morrow.or.us](mailto:dsykes@co.morrow.or.us)>; Diane Kilkenny <[dianek@moco hd.org](mailto:dianek@moco hd.org)>; Roberta Vanderwall <[rvanderwall@co.morrow.or.us](mailto:rvanderwall@co.morrow.or.us)>; Justin Nelson <[jnelson@co.morrow.or.us](mailto:jnelson@co.morrow.or.us)>  
**Cc:** 'Troy S. Bundy' <[TSB@hartwagner.com](mailto:TSB@hartwagner.com)>  
**Subject:** RE: Concern about preferential treatment of BFRD

**STOP and VERIFY This message came from outside of Morrow County Gov**

For clarification, are you saying that if I submit documents on the Tuesday before a meeting that pertain to existing business items, you will accept and include those documents?

Best,

*Emily Reynolds Roberts*

Chief Executive Officer  
Morrow County Health District  
564 E Pioneer Drive  
Heppner, OR 97836  
Phone: 541-676-2915

Website: [www.healthymc.org](http://www.healthymc.org)

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**From:** David Sykes <[dsykes@co.morrow.or.us](mailto:dsykes@co.morrow.or.us)>

**Sent:** Friday, April 21, 2023 7:43 AM

**To:** Diane Kilkenny <[dianek@moco hd.org](mailto:dianek@moco hd.org)>; Roberta Vanderwall <[rvanderwall@co.morrow.or.us](mailto:rvanderwall@co.morrow.or.us)>; Emily Roberts <[emilyr@moco hd.org](mailto:emilyr@moco hd.org)>; Justin Nelson <[jnelson@co.morrow.or.us](mailto:jnelson@co.morrow.or.us)>

**Subject:** Re: Concern about preferential treatment of BFRD

**\*\*\* CAUTION! This email came from outside the Morrow County Health District network. Do not open attachments or click links if you do not recognize the sender. \*\*\***

Hello Diane and Emily

Thank you for your correspondence on this. As the county fulfills its obligations and responsibilities and moves through this process we will always strive to be open and fair.

Chief Hughes letter was included because he was requesting a change to an item of business already included on that day's agenda.

David Sykes

David Sykes  
Morrow County Commissioner  
541-256-0379

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**From:** Diane Kilkenny <[dianek@moco hd.org](mailto:dianek@moco hd.org)>

**Sent:** Friday, April 21, 2023 7:18:55 AM

**To:** [dsykes@co.morrow.or.us](mailto:dsykes@co.morrow.or.us) <[dsykes@co.morrow.or.us](mailto:dsykes@co.morrow.or.us)>; Roberta Vanderwall <[rvanderwall@co.morrow.or.us](mailto:rvanderwall@co.morrow.or.us)>; Emily Roberts <[emilyr@moco hd.org](mailto:emilyr@moco hd.org)>; Justin Nelson <[jnelson@co.morrow.or.us](mailto:jnelson@co.morrow.or.us)>

**Subject:** Fwd: Concern about preferential treatment of BFRD

**STOP and VERIFY This message came from outside of Morrow County Gov**

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Sent from my iPhone

Begin forwarded message:

**From:** Diane Kilkenny <[dianek@moco hd.org](mailto:dianek@moco hd.org)>  
**Subject: Re: Concern about preferential treatment of BFRD**

Chair Sykes,

This is very concerning if the rules are not being applied equally. I am also interested in the explanation of how the 2 submissions had different outcomes. It is very important going forward that everyone is treated equally and Morrow County residents believe the process is transparent because the ASA and EMS service could be the deciding factor in a life changing event for people who live in our county or visit our county. Many highly concerned tax payers are watching, reading, and talking about the emergency services. They understand the county's responsibility and their accountability to all of Morrow citizens to provide EMS services that are safe, appropriate, timely, confidential, and dependable to county residents.

Respectfully,

Vice Chair of Morrow County Health District  
Diane Kilkenny

Sent from my iPhone

On Apr 20, 2023, at 10:21 AM, Emily Roberts <[EmilyR@moco hd.org](mailto:EmilyR@moco hd.org)> wrote:

Chair Sykes,

On 3/16/23, Ms. Vanderwall sent an e-mail to Chief Hughes and myself setting more rigid expectations for the submission of items for the BOC packets. According to her email, submissions from Hughes and myself would no longer be accepted after noon on the Friday before the meeting.

I've attached two sets of documents here. I sent my request to include in the packet a letter concerning Commissioner Wenzholz's very serious conflict of interest on 4/17 at 1:38 p.m. Chief Hughes sent his request to amend your letter of support for his ambulance licensing on 4/18 at 3:07 p.m.

His item made it into the packet. Mine did not. Can you please explain this to me?

Best,

*Emily Reynolds Roberts*  
Chief Executive Officer  
Morrow County Health District  
564 E Pioneer Drive  
Heppner, OR 97836  
Phone: 541-676-2915  
Website: [www.healthymc.org](http://www.healthymc.org)

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<image001.png>

<Email from MCHD to BOC - 04-17-23.pdf>

<Excerpt from BOC Packet - 04-19-23.pdf>

<Morrow County Email re Agenda Deadlines - 03-16-23.pdf>

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4/20/2023

Morrow County Board of Commissioners  
110 N. Court Street  
Heppner, OR 97836

To the Morrow County Board of Commissioners:

I am writing again to convey Morrow County Health District's formal objection to Commissioner Jeff Wenzholz voting on issues concerning Morrow County Health District, to include issues concerning ambulance services, due to a conflict of interest. (See previous letter dated 4/17/2023.)

Commissioner Wenzholz actively serves as a member of Good Shepherd's Board of Trustees, a position he has held since 2019. This presents a conflict of interest for the following reasons:

1. Boardman Fire Rescue District has publicly stated as part of their rationale for becoming a licensed ambulance provider that they wish to contract with Good Shepherd for non-emergent transfers.
2. Good Shepherd has stated their intent to expand services in Boardman in competition with Morrow County Health District and has taken action (purchasing property) along these lines.

Creating a new ambulance service area in Boardman to be awarded to Boardman Fire Rescue District will cause severe financial implications with regard to the District's overall ambulance service to Morrow County, which ultimately harms Morrow County Health District overall as an entity. De-stabilizing the Morrow County Health District would give an advantage to competitors, such as Good Shepherd.

Morrow County Health District is requesting:

1. A formal determination or statement from Commissioner Wenzholz in the next Board of Commissioners meeting (May 3, 2023) addressing this conflict.
2. That this letter, and the previous letter dated 4/17/2023, be incorporated into the public record for the May 3, 2023 meeting.
3. That all of Commissioner Wenzholz's previous votes on issues relating to MCHD, to include ambulance services, be invalidated due to an unacknowledged and unmitigated conflict of interest.

Respectfully,



Emily Roberts  
Chief Executive Officer  
Morrow County Health District





**Bob Carlson**  
Board of Trustees



**Kristen Collier**  
Board of Trustees



**Dr. Derek Earl**  
Board of Trustees



**Steve Eldrige**  
Board of Trustees



**Nancy Mabry**  
Board of Trustees



**Lisa Mittelsdorf**  
Board of Trustees



**Tom Wamsley**  
Board of Trustees



**Jeff Wenholz**  
Board of Trustees

**Morrow County Board of Commissioners Meeting Minutes**  
**February 22, 2023**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present In-Person**

Chair David Sykes, Commissioner Roy Drago Jr., Commissioner Jeff Wenholz, Roberta Vanderwall, Roberta Lutcher, Justin Nelson, Kevin Ince, Tamra Mabbott, Jaylene Papineau, Bobbi Childers, Lindsay Grogan, 32 non-staff participants

**Present Via Zoom**

SaBrina Bailey-Cave, Robin Canaday, Linda Skendzel, Christy Kenny, Deona Siex, Derek Gunderson, Heidi Turrell, Kelsey Crocker, Kirsti Cason, Sandi Pointer, Mike Gorman, Yvonne Morter, Kevin Ince, 60 non-staff participants

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

**Swearing-In of Roy Drago Jr.**

Mr. Drago was sworn-in as Commissioner (Position 1) by Clerk, Bobbi Childers. He takes on the remainder of Jim Doherty's term, which ends January 6, 2025.

**City & Citizen Comments**

Mike Brandt, Zooming in from a conference room in Boardman, arranged by Oregon Rural Action (ORA), said he had a water problem and asked when there would be a person in Public Health working on the nitrate issues. Chair Sykes asked Mr. Brandt what position he meant. He replied, the #75 but added he was unclear on that. Public Health Director, Robin Canaday, said it was on the agenda today. After that, it will be sent to the Oregon Health Authority (OHA) for signatures, but she anticipated that position would start within the next week. Mr. Brandt said that only partially answered his question because he also wanted to know what the focus of the job will be. Ms. Canaday explained the person will be doing outreach and education and would be working on the nitrate issue.

Linda Skendzel, Veterans Services Officer, talked about the point-in-time count held in January for eastern Oregon counties, including Morrow, for sheltered and unsheltered veterans.

Jim Landruth, also from the conference room in Boardman, said their concern was if the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee was going to be looking at the problems caused by nitrates in the area. Chair Sykes said the Board would be appointing a Commissioner to that committee today and suggested Mr. Landruth attend their meeting to get a feel for their agenda because it was separate from the Board of Commissioners.

Ethan Akers, Zooming from the same conference room, said today's agenda included an item for requests for Congressionally Directed Spending and asked that the Board put safe drinking at the top of the list. Chair Sykes said this was a complex issue that involved the whole LUBGWMA area, not just Morrow County, and the state needed to be involved, as well. We have a federal grant and Planning Director Tamra Mabbott was working on how to develop a long-term plan to address the issues, moving forward, he added.

Zaira Sanchez, Director of Community Organizing, ORA, thanked the Board for continuing to hear their concerns.

**Open Agenda:** No items

### **Consent Calendar**

Commissioner Wenholz removed the OHA Intergovernmental Agreement (IGA) to Business Items.

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

- 1. Independent Contractor Agreement with Wolfe Consulting, LLC; assistance with budgeting, budget software, accounting and reporting and other finance services as required; \$215 per hour, not-to-exceed \$25,000; effective January 1, 2023 and will terminate December 31, 2023 unless terminated or contractor completes the services required*

*Commissioner Drago seconded. Vote: Unanimous approval.*

### **Business Items**

#### Tenth Amendment to OHA IGA #169524 for the Financing of Public Health Services, Program Element 75

Commissioner Wenholz asked Finance Director, Kevin Ince, if the County was in receipt of the funds for Program Element 75 or whether it was paid on a reimbursement basis. Mr. Ince said it was reimbursement and a specific appropriation for this amount wasn't made because the Public Health Department budget had a significant underspend, year-to-date. The County can absorb the expenditure, so a budget adjustment request was not brought to the Board, he said.

*Commissioner Wenholz moved to approve the Tenth Amendment to OHA IGA #169524, Public Health Services, Program Element 75; and authorize Chair Sykes to sign on behalf of the County. Commissioner Drago seconded. Vote: Unanimous approval.*

#### **Discussion – Request to Repeal Ordinance MC-C-4-98: In the Matter of Regulating Ambulance Service Providers**

The Board listened to Boardman Fire Rescue District Chief, Mike Hughes' reasoning as to why the 1998 ordinance should be repealed. Chief Hughes provided a brief overview of Oregon's statutes and rules that assure ambulance services are provided. He said it appeared Morrow County crafted an Ambulance Service Area Plan (ASA) in 1993 that was approved by OHA, as required by the ordinance and rules. Every five years, OHA must receive an ASA plan from the County. Once a plan, usually submitted in draft form, has gone through the process with OHA, it comes back to the county to be adopted into an ordinance every five years, which is very clear in Oregon Revised Statutes (ORS). In 1998, that plan was not submitted to OHA for approval, as documented in a February 1, 2021 email Morrow County received from OHA requesting an ASA because they hadn't received one since 1993. Therefore, the process has been missed through the laws for over 24 years. Since this 1998 ordinance didn't follow a process, it could be argued it's invalid. He said his recommendations would be to repeal the ordinance and if that happened, temporarily assign an administrator, such as the Public Health Department or County Emergency Manager and let them research and come back to the Board with a permanent

solution. Chief Hughes' further recommendation was to have Elizabeth Heckathorn, who was hired by the County to mediate this issue, rewrite a new ASA plan. He provided details on the response models that should go into a new ASA plan. Chief Hughes said if the ordinance was repealed, nothing would change with ambulance services since Morrow County Health District was the only licensed operator in the County.

Emily Roberts, Morrow County Health District, Chief Executive Officer, said she did not agree the County was out of compliance and neither did OHA. She said she provided a letter in the Agenda Packet from OHA that the County was in compliance and OHA had approved the plan. Ms. Heckathorn confirmed that in the public portion of the pre-mediation meeting, she stated. Ms. Roberts said not every county has ASA plans as an ordinance, Morrow County's is, and it's up to the County to determine whether or not it should be...but the County does have to adopt it. She talked about the 10-member EMS (Emergency Medical Services) Committee required by the plan that makes recommendations to the Health District. Ms. Roberts discussed the location of the Health District's ambulances in the County and cited various statistics.

Commissioner Wenzholz said he viewed it as the County submitted a draft to OHA. OHA redlined it and returned it but the Board never had a chance to review it and formally adopt it. He said from his perspective, the County has never accepted the changes required by OHA.

Ms. Roberts said that was a valid point, and they did bring that forward to the BOC a few times that it could be readopted or reopened. However, because OHA adopted the plan, they legally consider that to be the County's plan so the County would have to go back to OHA and reopen it, if the County chose to. In the absence of that plan being considered effective, the law says it reverts to the previous plan, which is largely the same except it doesn't have the definitions updated and the items OHA wanted to see, she said.

Chair Sykes said for transparency, the Health District does do business with a business with which he's associated, Sykes Publishing. He said he called the Oregon Government Ethics Commission yesterday and was told he did not have to recuse himself because there was no direct monetary detriment or benefit, either way, on any decision about this. The Ethics Commission representative suggested he announce it for transparency and to be upfront, said Chair Sykes.

Chair Sykes then asked Justin Nelson, County Counsel, for an analysis of what was just presented.

Mr. Nelson said when he saw this on the agenda he was surprised because the idea of repealing the ordinance had not come up before. While the ASA plan has been talked about a lot, he said, that aspect has not been looked into. Mr. Nelson asked for more time to come back with an analysis. After discussion, the Board agreed to reschedule Mr. Nelson's analysis of the effects of repealing the ordinance to March 15<sup>th</sup>.

*Commissioner Wenzholz moved to grant County Counsel, Justin Nelson, time to research Ordinance MC-C-4-98 and the effects of repealing and replacing it. Commissioner Drago seconded. Vote: Unanimous approval.*

### Recommendations to Forward to Budget Committee Regarding Position Reclassification & New Employee Requests

Lindsay Grogan, Human Resources Director

Ms. Grogan provided a recap of the requests made at the February 8<sup>th</sup> BOC Meeting. Her revised total fiscal impact for 14 positions (including new, reclassified and promotions) was \$902,816.

Commissioner Drago said he had some questions concerning the three new Patrol Deputy positions in the Sheriff's Office and wanted to see call-sheets that showed an increase in calls over the last 10 years.

Commissioner Wenzholz suggested the Board tentatively approve the requests going forward to the Budget Committee, and in the interim, the Sheriff's Office could meet with Commissioner Drago and that information could come to the Budget Committee, as well.

*Commissioner Wenzholz moved to adopt what was before the Board for Reclassification and Full-Time Equivalent (FTE) requests to forward to the Budget Committee. Commissioner Drago seconded. Vote: Unanimous approval.*

### Results of Public Health Department's Triennial Fiscal Review Findings and Plan for Corrective Actions

Robin Canaday, Public Health Director

Kevin Ince, Finance Director

Mr. Ince said the review of the Public Health Department covered fiscal years ending 2019 to 2022. The Agenda Packet included two documents from OHA: Fiscal Review Tool, which was a list of topics, areas, or specific questions reviewed for specific compliance, he said. The County had a number of items deemed "out of compliance" that were all related to financial accounting practices. The second document, Triennial Review Report, incorporated the action plan and timing of its implementation. Mr. Ince then went into the Findings and Corrective Action Plan in greater depth.

Commissioner Wenzholz said he assumed the policies Mr. Ince would be developing for Public Health would also apply for the County, as a whole. Mr. Ince agreed and said he'd be bringing forward practices and policies in the next three months to ensure the County was in compliance, particularly as a recipient of federal funds.

### Second Reading, Ordinance ORD-2023-1, Adding Ella Pit Site to Goal 5 Inventory

Tamra Mabbott, Planning Director

Commissioner Wenzholz stated he was on the Planning Commission when that body recommended this be forwarded to the Board of Commissioners and it could be viewed as ex parte contact.

Mr. Nelson provided the Second Reading by title: "Ordinance No. ORD-2023-1: An Ordinance Amending the Morrow County Comprehensive Plan to Add a Significant Aggregate Site to the Goal 5 Inventory."

*Commissioner Wenholz moved to approve Ordinance No. ORD-2023-1 and finalize the land use actions, Comprehensive Plan amendment, Zoning Map amendment and Conditional Use Permit CUP-N-357-22. Commissioner Drago seconded. Vote: Unanimous approval.*

Appoint Commissioner & Alternate to the Lower Umatilla Basin Groundwater Management Area Committee

Tamra Mabbott, Planning Director

Ms. Mabbott said she has been serving as the representative in the interim. She said last fall, the Department of Environmental Quality (DEQ) did a “reset of the LUBGWMA” as the committee had been acting more informally than intended and by statute. She said she confirmed at the last committee meeting that the County’s appointees will also be appointed by DEQ. She added she would continue to be available and be technical support staff for the work of the committee.

*Commissioner Wenholz moved to appoint Commissioner Drago as the primary representative to the LUBGWMA. Discussion then took place on schedule availability, the requirement to notice LUBGWMA meetings if two Commissioners attended and the advantages of Ms. Mabbott’s continued involvement. Commissioner Wenholz said his motion was for Commissioner Drago to be the primary representative and Ms. Mabbott to be the alternate. Chair Sykes seconded. Vote: Unanimous approval.*

**Break:** 10:34-10:39 a.m.

Budget Committee Appointment Request

Kevin Ince, Finance Director

Mr. Ince requested the Board appoint one of two applicants for the remainder of the term formerly held by Commissioner Wenholz. Discussion.

*Commissioner Drago moved to appoint Gibb Evans to the Budget Committee; term ending June 30, 2023. Commissioner Wenholz seconded. Vote: Unanimous approval.*

Morrow County Public Transit Advisory Committee Appointment Request

Benjamin Tucker, Transit Manager

Mr. Tucker requested two appointments – Jamie Stewart as Alternate for the Port of Morrow Employer/Employee position, and Anne Morter to the position representing Ione.

*Commissioner Wenholz moved to appoint Anne Morter and Jamie Stewart to the Morrow County Public Transit Advisory Committee; terms to be February 22, 2023 to February 22, 2026. Commissioner Drago seconded. Vote: Unanimous approval.*

Upcoming Meeting Schedule

Chair Sykes said the Circuit Court approached the BOC Office with a request to use the Upper Conference Room for jury selection on March 1<sup>st</sup>, the same date as a BOC Meeting. He said the decision was made to accommodate the request but it meant rearranging the meeting locations for March only. The March 1<sup>st</sup> BOC Meeting will be held in Irrigon and the March 15<sup>th</sup> meeting will take place in Heppner. Commissioners Wenholz and Drago agreed with the changes.

## Review BOC Committee & Board Assignments

The Commissioners agreed on new assignments, primarily for Commissioner Drago.

## Requests for BOC Input on Congressionally Directed Spending (CDS) Grant Projects by Departments

Tamra Mabbott, Planning Director

Robin Canaday, Public Health Director

Kathleen Cathey, Field Representative, Senator Ron Wyden

Nick Ducote, Grant Writing Consultant

Ms. Mabbott said the current round of requests for CDS funds (submitted to the offices of Senator Ron Wyden and Senator Jeff Merkley) needed policy guidance from the Board as multiple departments had ideas for projects. She said the Port of Morrow Executive Director, Lisa Mittelsdorf, planned to submit five requests but she preferred the County take one over and submit it. Ms. Mabbott said it was related to clusters of housing that need water systems and what that next level would be if it received funding.

Ms. Cathey explained Sen. Wyden is the Chair of the Finance Committee, while Sen. Merkley is Chair of the Appropriations Committee. She said she and Jessica Keys, eastern Oregon Field Representative for Sen. Merkley, have coordinated to provide guidance to constituents on the funding opportunity. She talked about the submittal process and suggested a variety of requests be submitted.

Mr. Ducote said he was currently working on a request for funding for a transit facility for The Loop/Morrow County Public Transit. When applications are submitted, he said, they require a priority number. What will the priority ranking number be for each request, he asked? Mr. Ducote also discussed the currently unknown amount of matching funds that will be required for the transit facility grant.

Discussion continued. The Commissioners agreed with Ms. Mabbott's and Ms. Mittelsdorf's ideas. Ms. Mabbott's request was for engineering and capacity costs to extend city water in areas of Morrow County. Commissioner Wenholz said if these become annual opportunities, Department Directors should prepare the requests in December. Ms. Cathey went on to suggest the Board consider holding a retreat to discuss its visions and goals for the County.

Commissioner Drago said he felt staff now knew the Board's priorities but he asked that the Board be informed of the results at the March 1<sup>st</sup> meeting.

## **Department Reports**

- The written Road Department Monthly Report was reviewed, as submitted by Mike Haugen, Assistant Road Master

**Correspondence:** None

**Commissioner Reports:** Brief reports were provided

**Signing of Documents and Adjournment:** 12:00 p.m.

**Morrow County Board of Commissioners Meeting Minutes**  
**March 15, 2023**  
**Bartholomew Building, Upper Conference Room**  
**Heppner, Oregon**

**Present In-Person**

Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Roy Drago Jr., Roberta Vanderwall, Kevin Ince, Roberta Lutchter, Justin Nelson, Jaylene Papineau, Eric Imes, Tony Clement; Non-Staff Participants: Mike Hughes, Larry Lutchter, Emily Roberts

**Present Via Zoom**

Robin Canaday, Christy Kenny, Mike Gorman, Tamra Mabbott, Gina Wilson, Kirsti Cason, Linda Skendzel, Heidi Turrell, Benjamin Tucker, Bobbi Childers, Paul Gray, Deona Siex, Sandi Pointer; Non-Staff Participants: Karen Wolff, Carla McLane, Ana Maria Rodriguez, Kelly Doherty, Zaira Sanchez

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

**City & Citizen Comments:**

Ana Marie Rodriguez, Oregon Rural Action (ORA), thanked Commissioner Drago for participating in an event on March 11<sup>th</sup> that had volunteers going door-to-door in Boardman. Zaira Sanchez, ORA, also thanked Commissioner Drago for attending the volunteer outreach day. She said 14 volunteers contacted residents who hadn't had water testing. She said she was looking forward to the next event in Irrigon and suggested people contact the Public Health Department for additional information.

Kelly Doherty, Boardman, said she previously made a request to have Zoom meetings uploaded and to allow Spanish speakers to read those minutes off of Zoom. She also went on to offer comment on five items listed on the agenda: 1.) Request for Letter in Support of Ambulance Licensing; 2.) Request for Letter of Support, PGE Hydrogen Project; 3.) Amendment 2 to Columbia River Enterprise Zone III Intergovernmental Agreement; 4.) Executive Session Pursuant to ORS 192.660(2)(g); and 5.) Strategic Investment Program Agreement with Amazon Data Services, Inc.

**Consent Calendar**

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

- 1. Minutes: February 2<sup>nd</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, March 1<sup>st</sup>*
- 2. Cellular Provider Change, Sheriff's Office – switching from U.S. Cellular to Verizon for more reliable service*
- 3. Amendment 1 to Justice Reinvestment Grant Agreement #JR-23-022; and authorize Chair Sykes to sign on behalf of the County*

*Commissioner Drago seconded. Vote: Unanimous approval.*

**Business Items**

**Status Update from County Counsel, Justin Nelson: Request to Repeal Ordinance MC-C-4-98: In the Matter of Regulating Ambulance Service Providers**

Chair Sykes said as background, at the February 22<sup>nd</sup> BOC Meeting, Boardman Fire Rescue District (BFRD) Chief Mike Hughes requested the County repeal the above-named 1998 ordinance. After hearing from Chief Hughes and Emily Roberts, Morrow County Health District (MCHD) Chief Executive Officer, the Board directed County Counsel, Justin Nelson, to prepare



an analysis for the March 15<sup>th</sup> BOC Meeting on the effects of repealing and replacing the ordinance and a motion was made to that end. Chair Sykes said he has since learned Mr. Nelson determined it would be more appropriate to ask an outside legal counsel with expertise in these matters to provide the analysis.

Mr. Nelson said he contacted Bob Blackmore, Innova Legal Advisors PC, and forwarded documentation to him from both districts, as well as a list of specific questions from the Board. Mr. Nelson said he did not know the exact timeline, yet, for Mr. Blackmore's availability to provide his analysis.

#### Request for Letter of Support of Ambulance Licensing

Chair Sykes said the format for this item would be the same as on Feb. 22<sup>nd</sup> when Chief Hughes requested to repeal Ordinance MC-C-4-98 – a representative from each district would speak and have the ability to rebut, however, there would be no comments from the public.

After Chief Hughes sought confirmation, Chair Sykes agreed comments would be limited to the topic on the agenda, as was the case on the 22<sup>nd</sup>.

Chief Hughes said the application process for an ambulance license in the State of Oregon requires a letter of support from the governing body. If BFRD is allowed to go through the estimated 60-day process and becomes licensed, there would be no impact to the County's ambulance system. MCHD would continue to operate as it does because it's clear BFRD is not a transport agency within the Ambulance Service Area (ASA) Plan. BFRD would be able to provide service to partner agencies, such as the Oregon Military Department, Umatilla County Fire District #1, and possibly the Naval Bombing Range.

Ms. Roberts said the Agenda Packet included a letter from the Health District's attorney, Troy Bundy, that covered four points: 1.) The definition in Oregon Administrative Rule is at issue. It says what needs to be provided is whether there is a documented need for the service supported by the county government. 2.) Under the current County Ordinance from 1998, no ambulance can operate in the County that is not incorporated into the ASA Plan. 3.) Under the current 1998 Ordinance, it charges the EMS (Emergency Medical Services) Advisory Committee with making the determination to make changes or additions to the ASA Plan. That is the appropriate group to hear the request and no formal request in writing, with explanations, has been brought to them.

As the discussion continued, Chair Sykes asked if the request could wait for the legal response from Mr. Blackmore, as discussed earlier. Commissioner Drago said he was not against waiting on Mr. Blackmore's analysis, adding he thought there was a need but they were hearing too many different stories. Chair Sykes encouraged the Commissioners to send their questions to Mr. Blackmore.

*Commissioner Drago moved to table the letter of support to be readdressed at the April 5<sup>th</sup> meeting. Commissioner Wenholz seconded. Vote: Unanimous approval.*

Request for Letter of Support, PGE Hydrogen Project

Planning Director, Tamra Mabbott, commented the project had not come through the Planning Department and questioned whether it was appropriate to submit a letter that required a quasi-judicial planning review. She also said there were two other projects and neither requested a letter from the Board. When asked by Chair Sykes if she recommended not signing the letter, Ms. Mabbott replied that was her advice because of the land use issue and the policy issue that it would put PGE in a better position than the other companies (projects at the Army Depot and at the Port of Morrow). The Board took no action on the request.

#### Request to Reduce Application and Renewable Energy Project Fees

Carla McLane, Carla McLane Consulting, LLC

Ms. McLane asked the Commissioners to consider a reduction of fees on behalf of her client, Ros Vrba. Mr. Vrba is the developer of two proposed solar projects in the County. The fees for both projects would be \$90,000 and she asked that they be more in line with other Planning Department fees. Specifically, she asked that the per megawatt fee be reduced by \$80,000, resulting in a \$10,000 fee. This would cover the cost of staff time associated with processing the application, she said. Discussion.

*Commissioner Wenholtz moved to direct staff to find out why there was a surcharge in the Fee Schedule and to reassess the Fee Schedule. Commissioner Drago seconded. Vote: Unanimous approval.*

#### Amendment 2 to Columbia River Enterprise Zone III Intergovernmental Agreement

Justin Nelson, County Counsel

Mr. Nelson said the amendment would extend the area of influence to property adjacent to City of Boardman property already in the enterprise zone. It allows the City to participate and have voting authority for this new property area, as well. He clarified it was not an extension of the Enterprise Zone boundaries. Mr. Nelson further clarified there was not an Amendment 1 for the County. The Port created the original Amendment 1 but amended it and then called it Amendment 2 before the County could act on it, he said. The City of Boardman also approved it as Amendment 2.

*Commissioner Drago moved to approve Amendment 2 to the Columbia River Enterprise Zone III Intergovernmental Agreement. Commissioner Wenholtz seconded. Vote: Unanimous approval.*

#### Funding Request, Plaque for Bartholomew Building Commemorating Judge Alba Bartholomew

Karen Wolff, Heppner

Ms. Wolff provided a brief history of Judge Bartholomew, who was instrumental in helping residents during and after the 1903 Heppner flood. Discussion.

*Chair Sykes moved to approve the request for \$730 for the plaque. Commissioner Drago seconded. Vote: Unanimous approval.*

**Break:** 10:21-10:28 a.m.

#### Independent Tourism Development Contractor Agreement

Tamra Mabbott, Planning Director

Ms. Mabbott said the contract with Karie Walchli expired December 21, 2022 and that Ms. Walchli continues to provide tourism consulting services for the County. She explained the Sole Source Procurement per ORS 279B.075 and the notice on the website of the intent to extend the contract.

*Commissioner Wenholz moved to approve the Independent Tourism Development Contractor Agreement with Karie Walchli. (Effective when signed by both parties and shall be reviewed yearly. The Scope of Work will be updated annually upon mutual agreement by client, Finance Director and Planning Director. Contract may automatically be renewed and may include a maximum 5% increase, annually. Rates will be \$2,625 per month; up to \$400 monthly reimbursement, not-to-exceed \$4,800 yearly; up to \$1,000 reimbursement for industry conferences.) Finance Director Kevin Ince will post the notice of intent on the website and Interim Administrator Roberta Vanderwall is authorized to sign on behalf of the County after the protest period, if no protests received. Commissioner Drago seconded. Vote: Unanimous approval.*

#### Five-Year Road Plan

Eric Imes, Public Works Director

Mr. Imes reviewed the list of projects in the Five-Year Plan. Discussion.

*Commissioner Wenholz moved to approve the Five-Year Road Plan, as presented, ending fiscal year 2025-2026. Commissioner Drago seconded. Vote: Unanimous approval.*

#### Award Contract, Hot Mix Asphalt

Eric Imes, Public Works Director

Mr. Imes said in the last few years he asked the Board to award to both responders to the Request for Quotes. This gives the Road Department the opportunity to receive asphalt from both plants with a contracted price, rather than the price when needed, which is usually higher. Mr. Imes said the first choice was Granite Construction and the second choice was American Rock Products.

*Commissioner Wenholz moved to award contracts to Granite Construction as the first choice and American Rock Products as the second choice to supply asphalt hot mix for this season's paving projects. Commissioner Drago seconded. Vote: Unanimous approval.*

#### Award Contract, Homestead Lane Paving Project

Eric Imes, Public Works Director

Mr. Imes explained the remaining mile of the five-mile project needed to be completed this fiscal year. He reviewed the quotes received and asked to award to American Rock Products.

*Commissioner Drago moved to award the Homestead Lane Paving Project contract to American Rock Products in the amount of \$458,416. Commissioner Wenholz seconded. Vote: Unanimous approval.*

#### Award Contract, Sheriff's Office Reroof Project

Tony Clement, General Maintenance Supervisor

Mr. Clement discussed the original timeline for the project and the various delays that resulted in a larger amount than originally budgeted. Discussion.

*Commissioner Wenholz moved to award the Sheriff's Office Reroof Project to Silver Creek Construction in the amount of \$195,000, and allow the Board to sign after the statutory protest period has passed. Commissioner Drago seconded. Vote: Unanimous approval.*

Health Officer Agreement with Dr. Rodney Schaffer

Intergovernmental Agreement with Morrow County Health District for Medical Malpractice/Liability Insurance for Dr. Schaffer

Robin Canaday, Public Health Director

Ms. Canaday briefly reviewed the Health Officer Agreement.

*Commissioner Drago moved to approve the Agreement – Morrow County Health Officer, with Dr. Rodney Schaffer (effective March 15, 2023 for a one-year period and shall automatically renew for successive one-year periods; first month compensation shall be \$100/hour, up to 10 hours, thereafter \$750/month for up to 7.5 hours of work; reassess number of hours spent as needed and compensate accordingly). Commissioner Wenholz seconded. Vote: Unanimous approval.*

*Commissioner Drago moved to approve the Intergovernmental Agreement for the Procurement of Medical Malpractice/Liability Insurance with Morrow County Health District for the Morrow County Health Officer. Commissioner Wenholz seconded. Vote: Unanimous approval.*

Update on Mormon Cricket Situation in Morrow County

Larry Lutcher, Plant & Soil Scientist, Oregon State University/Morrow County Extension

Since the Commissioners were relatively new, Dr. Lutcher provided an overview of his duties.

He said he does in-field research, outreach, and provides advice and recommendations to people who request it. He also works with youth on activities related to agriculture, writes reports, publishes research results, applies for grants and makes presentations.

Last year, the Board approved \$100,000 toward efforts to deal with the Mormon crickets. To-date, \$21,424.50 has been spent on chemicals and the remaining \$78,757.59 will pay the cost of aerial application, if needed. That amount would cover 9,000-10,000 acres. The Mormon crickets were in the northeast corner of Gilliam County at the mouth of Willow Creek last year, he said, and the farms most likely to be affected are in the Threemile Canyon area. There have been sightings along Immigrant Lane and south of the Bombing Range. Dr. Lutcher said he planned to be scouting areas in the April/May timeframe with the possibility of spraying in May. He noted the Navy has not been as cooperative as the Nature Conservancy.

### **Department Reports**

- The Treasurer's Monthly Report was reviewed by Jaylene Papineau
- The Planning Department Monthly Report was reviewed by Ms. Mabbott
- The Interim Administrator's Report was reviewed by Roberta Vanderwall

### **Legislative Updates**

- Ms. Mabbott discussed House Bill 2487 which would allow event centers and wedding venues in Exclusive Farm Use Zones east of the Cascades.
- Mike Gorman, Assessor/Tax Collector, said he was a member of an association for Assessors and Tax Collectors and anticipated a more detailed report from that organization in the coming weeks.

### **Correspondence**

- Letter from the City of Ione regarding its wastewater system improvement project and asking to access County-owned property to obtain survey points for existing septic tank and sewer service cleanout.

### **Commissioner Reports**

The Commissioners reported on their activities in the past two weeks.

**Break:** 11:37-11:45 a.m.

Chair Sykes read the Executive Session citations:

**Executive Session:** Pursuant to ORS 192.660(2)(g) – To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; **and** Pursuant to ORS 192.660(2)(f) – To consider information or records that are exempt by law from public inspection (ORS 285C.620)

Mr. Nelson explained the reasons behind the two citations and said following the Executive Session, the regular meeting would be taken back up at 1:00 p.m. for the Public Hearing.

Commissioner Wenholz declared a business with which he was associated would be impacted but he didn't feel he had a conflict. However, until the Oregon Government Ethics Commission complaint was cleared, he wouldn't participate in the Executive Session and Public Hearing or vote in the Public Hearing. He then asked if he should leave the room. Mr. Nelson explained the attendees in an Executive Session were at the discretion of the Board. Chair Sykes and Commissioner Drago had no objections to him remaining in the room.

Commissioner Drago said he may have a conflict of interest because he had family members who worked at the Port of Morrow. Neither one worked in an administrative position, he said, but he would look into it further.

Mr. Nelson asked Commissioner Drago, as far as he knew, there was nothing there; Commissioner Drago agreed.

**12:00 p.m. – Executive Session began, pursuant to the above citations**

**1:04 p.m. – Resumed Regular Meeting**

### **Present In-Person**

Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Roy Drago Jr., Roberta Vanderwall, Roberta Lutchter, Justin Nelson, Mike Gorman

**Present Via Zoom**

Kelly Doherty, Jonathan Tallman, Brandy Warburton, D. Orid, Benjamin Tucker

Mr. Nelson said an agreement was not reached so there was no need for a Public Hearing on the SIP agreement. He said work will continue by staff and it will come back as a Public Hearing in the future and noticed in the same way.

Chair Sykes said the meeting would adjourn. He added the Board would hold a Work Session at 2:00 on a potential Broadband Intergovernmental Agreement with the Port of Morrow.

After hearing questions from Jonathan Tallman and Kelly Doherty about the SIP documents and how to view them, they were both referred to the online Agenda Packet for the meeting.

**Signing of documents**

**Adjourned:** 1:12 p.m.

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

**Present In-Person**

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

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

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

**City & Citizen Comments:** None

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

**Consent Calendar:**

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

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

*Commissioner Drago seconded. Vote: Unanimous approval.*

**Business Items**

Community Counseling Solutions Quarterly Report

Kimberly Lindsay, Executive Director

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Justin Nelson, County Counsel

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

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

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

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

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

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

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

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

### **Department Reports**

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

## Legislative Updates

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

## Correspondence

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

## Commissioner Reports

- The Commissioners provided reports of recent activity.

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

## Executive Session

Chair Sykes read the following citations: Pursuant to ORS 192.660(2)(g) – To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; and Pursuant to ORS 192.660(2)(f) – To consider information or records that are exempt by law from public inspection – (ORS 285C.620)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Signing of documents**

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

# MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, April 19, 2023 at 9:00 a.m.

Bartholomew Building, Upper Conference Room

110 N. Court St., Heppner, Oregon

*See Zoom Meeting Info on Page 2*

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments**
3. **Open Agenda:** The Board may introduce subjects not already on the agenda
4. **Consent Calendar**
  - a. Minutes: April 5<sup>th</sup>
  - b. CAFFA Program Grant (County Assessment Function Funding Assistance) Resolution No. R-2023-6
  - c. Letter in Support of House Bill 3205
  - d. Letter in Support of Boardman Fire Rescue District Applying for an Ambulance License
  - e. Amendment to Oregon Department of Human Services Intergovernmental Grant Agreement #178249, Water Deliveries
  - f. Resolution No. R-2023-5: In the Matter of Applying for a Local Government Grant from the Parks & Recreation Department, Heritage Trail
  - g. Partition Plat, Jody L. Marston, Public Dedication Acceptance
5. **Business Items**
  - a. Stepping Stones Alliance Presentation (Jesalyn Cole, Executive Director)
  - b. Vietnam War Memorial Presentation (Steve Bates, President, Vietnam War Memorial Fund)
  - c. 9:45 a.m.: Columbia Development Authority Update (Greg Smith, Exec. Dir.)
  - d. Funding Request from South Morrow County Seniors Matter (Jerry Conklin)
  - e. Letter of Support to Oregon Broadband Office (Aaron Moss, Broadband Action Team)
  - f. Discuss Process and Timeline for Creation of New Ambulance Service Area Plan (Roberta Vanderwall, Interim Administrator)
  - g. Review Flyer on Nitrate-Related Activities (Roberta Vanderwall)
  - h. Report on Land Purchased for Transit Facility (Roberta Vanderwall)
  - i. Water Advisory Committee Appointments (Tamra Mabbott, Planning Director)
  - j. Amendment 1 to Intergovernmental Agreement with the City of Boardman for Building Department Services (Tamra Mabbott)
  - k. Code Enforcement Abatement Funds; Approve Committee (Tamra Mabbott)
  - l. Award Contract, Supply, Delivery & Application of Liquid Asphalt Emulsion (Eric Imes, Public Works Director)
  - m. Intent to Award, Labor Attorney Legal Services & Letter of Engagement (Lindsay Grogan, HR Director)
  - n. Award Contract, Audit Services (Kevin Ince, Finance Director)
  - o. Meeting Schedule to Discuss Relocation of the Oregon-Idaho State Border: May 3<sup>rd</sup>, August 16<sup>th</sup> & November 1<sup>st</sup>
6. **Department Reports**
  - a. Surveyor's Quarterly Report (Matt Kenny, Contracted Surveyor)
  - b. Treasurer's Monthly Report (Jaylene Papineau)
  - c. Planning Department Monthly Report (Tamra Mabbott)

- d. Justice Court Quarterly Report (Glen Diehl)
  - e. Fair Office Quarterly Written Report
  - f. Emergency Management Quarterly Report (Paul Gray)
  - g. Juvenile Dept. Quarterly Report (Christy Kenny)
  - h. The Loop/Public Transit Quarterly Report (Benjamin Tucker)
  - i. Veterans Services Quarterly Report (Linda Skendzel)
  - j. Accounts Payable Monthly Report (Kevin Ince)
- 7. Legislative Updates**
- 8. Correspondence**
- 9. Commissioner Reports**
- 10. Executive Session:** Pursuant to ORS 192.660(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions; and Pursuant to ORS 192.660(a) – To consider the employment of a public officer, employee, staff member or individual agent
- 11. Signing of documents**
- 12. Adjournment**

Agendas are available every Friday on our website ([www.co.morrow.or.us/boc](http://www.co.morrow.or.us/boc) under “Upcoming Events”). Meeting Packets can also be found the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutchter at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Interim Administrator, Roberta Vanderwall, 541-676-2529.

**Zoom Meeting Information**

<https://zoom.us/j/5416762546> Password: 97836 Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only Using Meeting ID 541-676-2546#:

- 1-346-248-7799 or 1-669-900-6833

Zoom Specific Notes:

- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press \*9 to indicate you would like to speak and \*6 to unmute when you are called on.
- Morrow County provides the option for Zoom Translated Captions.
  - Instructions: <https://support.zoom.us/hc/en-us/articles/6643133682957-Enabling-and-configuring-translated-captions>
  - If you need further assistance, please contact Justin Nelson at [jnelson@co.morrow.or.us](mailto:jnelson@co.morrow.or.us)