

**Morrow County Court  
March 18, 2015  
Boardman, Oregon**

**Present**

Judge Terry Tallman  
Commissioner Leann Rea  
Commissioner Don Russell  
Karen Wolff, Executive Secretary/Personnel Director  
Justin Nelson, District Attorney, Interim County Counsel  
Mike Gorman, Assessor/Tax Collector  
Rick Worden, Finance Director  
Roberta Lutcher, Court Executive Assistant

**Audience**

Emily Waite, Executive Director, Boardman Chamber of Commerce

Judge Tallman called the meeting to order at 9:00 a.m.

**City and Citizen Comments – Boardman**

Emily Waite, the newly hired Executive Director of the Boardman Chamber of Commerce, took the opportunity to introduce herself to the Commissioners and provided a few details on her professional and personal background.

**Open Agenda**

Commissioner Rea said she would like to discuss Special Transportation. Judge Tallman said he would like to talk about a few items.

**Department Report**

Road Report

Burke O'Brien, Public Works Director  
Matt Scrivner, Assistant Road Master

Mr. Scrivner reviewed the Road Report:

- The Ione-Gooseberry realignment and reclaim project is continuing with most of the crew working on this project.
- Road Grading – one blade worked the north end of the County last week and is now starting on Juniper Canyon. Work will continue in the Alpine Lane and Grieb Lane area and then move east. Blade work was finished on Morter Lane and is now working in the Ione-Boardman area, including Baker Lane and Wells Spring Road heading west.
- Training – Mr. Scrivner, the working foreman and two crew members attended a paving seminar and training in Hayden, Idaho put on by Western States CAT.
- On Monday, March 16<sup>th</sup>, there was extensive damage found to a guardrail on Homestead Lane approximately one mile east of Bombing Range Road. The Sheriff's Office was notified and is investigating. We are obtaining bids and have installed construction barrels in the damaged area.

Mr. Scrivner said there is a need for gravel on West Glen and Wagon Wheel Loop and he has received a complaint. He is bringing it to the County Court for discussion because these are not County Roads, but are Public Access Roads. Mr. O'Brien said the County spent about \$25,000 putting gravel on those roads a few years ago and it does need it again. He says he doesn't have a problem doing it, but there is a grader in the shop for repairs after it was damaged by trees overhanging into the roadway when those roads were recently graded. I need to talk to a few property owners who have the trees causing the problem to see if they're willing to fix them before we put new gravel down...there has to be some parameters. Commissioner Rea explained to Commissioner Russell the County has no responsibility to maintain these roads but we try to do so. Judge Tallman said it's always been a source of conflict about who should be doing things on this type of road, but we concur with Mr. O'Brien's recommendation there is a need for the gravel but he will be talking to the property owners about the trees. Mr. O'Brien said it will be subject to them addressing the problem. Judge Tallman asked Mr. O'Brien to return to the Court for an update on the situation, which he said he would do.

#### Permits

Mr. Scrivner said both permits are for Valby Lutheran Church. The first is for Site A, which is existing but was never permitted and the second is for Site B at the other end of the property and is an approach going into the cemetery.

*On the recommendation of Public Works, Commissioner Rea moved to approve Application #194, from Valby Lutheran Church, for County Road #589, Valby Road, for an Approach Road for Site A. Commissioner Russell seconded. Unanimous approval.*

*On the recommendation of Public Works, Commissioner Rea moved to approve Application #195, Valby Lutheran Church, for County Road #589, Valby Road, for an Approach for Site B. Commissioner Russell seconded. Unanimous approval.*

#### Purchasing Pre-Authorization Request – Mower

Mr. O'Brien said this was discussed with the Court in December, but Tony Clement, General Maintenance Manager, overlooked a follow-up discussion with Finance Director, Rick Worden and ordered the mower. This resulted in Mr. Worden having to figure out a line item to make this work. Mr. Worden said he will have to do a Supplemental Budget Action to add an amount to that line, otherwise the invoice would put it over-budget in that department. Judge Tallman said we did discuss this, so it's not totally out of the blue.

*Commissioner Rea moved to approve the Purchasing Pre-Authorization Request from Public Works for a Bad Boy AOS 61 Mower in the amount of \$14,900 and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.*

#### Road Grader Acquisition Planning

Mr. O'Brien said he mentioned this subject to the Court a few months ago and has recently talked to Mr. Worden, at length. The following is what Mr. O'Brien proposes:

- Trade in two current graders for a total of \$186,000.
- Purchase a used grader with 2,800 hours on it (with a full government warranty) for \$217,000.

- Use the trade-in money, \$186,000, toward the purchase of the above mentioned grader and pay the \$31,000 difference out of Equipment Reserve funds.
- Purchase a new grader for \$271,000 - \$150,000 will come from Equipment Reserves and the remaining \$121,000 will be financed over five years with no balloon payment at the end.
- A newer blade the County owns still has a balloon payment left of \$150,000 due in the next fiscal year; after paying this off, it will leave \$79,000 in Equipment Reserves.

Commissioner Rea asked Mr. O'Brien if he's comfortable spending all this on graders because if the County uses the money in Long Range Planning set aside for equipment (graders) this year, it puts your department in a no-buy situation. He said his department would be good for a while, but equipment is equipment, the track hoe may need replaced, but it's not pressing. This is our important, number one priority for equipment and then we're good for another year or two.

#### GPS Units for Road Department Equipment

Mr. O'Brien said they've been working with two vendors on quotes for GPS units for trucks and equipment. These units have reporting systems that notify of any maintenance needs and have the ability to track where work has been done on roads and find a vehicle in a potential emergency situation. They will return at a later date with a request.

#### Request for Qualifications for Mason Contractor (Courthouse Repointing)

Commissioner Rea asked Mr. O'Brien if his department still plans to solicit the services of a mason contractor using the RFQ process. He said he's not sure, we want to get it right the first time because this is a big project.

### **New Business**

#### Wenaha Group Update

Scott Rogers, Project Manager, Wenaha Group

Mr. Rogers said he is here to provide an update on the new Administration Building project and to request a fee amendment to cover the duration of the contract for construction management and procurement services, as it expired February 28, 2015.

Mr. Rogers' proposal is to move to a time and materials basis, assuming an estimated eight hours per week at \$110 per hour through the end of October, plus mileage reimbursement for site visits, which comes to approximately \$3,520 per month. This will be billed on an actual hourly basis with a not-to-exceed amount of \$28,160, plus mileage, for the duration of the project (March–October 2015).

Mr. Rogers discussed an idea to save money on landscaping by working with the Heppner Jr./Sr. High School Plant Science students and the FFA program, as well as a nearby nursery to provide materials. Mr. Rogers said FFA Advisor, Beth Dickenson, is enthusiastic about the project and they could work from landscaping plans already drafted by LKV Architects. Commissioner Rea said her son is willing to help design an irrigation plan but his experience is not in landscaping; Mr. Rogers said he could engage with the student group. Commissioner Russell asked if he and

his wife could review the landscape plans because his wife is an experienced horticulturist and would be happy to provide practical advice.

Mr. Nelson said he will review the proposed agreement submitted by Wenaha Group in the next week, but it should have been here last month or the month before.

Mr. Rogers provided a Project Overview taken from a PowerPoint presentation.

#### County Counsel Services Discussion

Mr. Nelson said last week the County Court voted to engage the services of the DA and Deputy DA to provide County Counsel services from March 11-April 15, 2015. He urged the County to consider all its options when choosing County Counsel...I don't want to do billable hours, so the County Court may decide not to go with my office.

Mr. Nelson said there was no agreement last week on payment, so he sent an e-mail with a proposed amount. Discussion took place on the items which occupied Mr. Nelson's time as County Counsel in the last week. Judge Tallman mentioned in his communications with former County Counsel Ryan Swinburnson, they agreed he will continue to represent the County in the Love's Travel Stops/Devin Oil appeals case and Mr. Swinburnson will be sending us a contract.

Mr. Nelson said he will be providing County Counsel services in this first month, because it may be asking a lot of Deputy DA Richard Tovey on such short notice. It's been time consuming so far, but it's working out fine. It would be working better if both of us were doing it, but I will be the one doing the work this month.

*Commissioner Rea moved to authorize payment of \$3,500 to Justin Nelson as the individual who will provide County Counsel Services through April 15, 2015. Commissioner Russell seconded. Unanimous approval.*

Mr. Nelson said he will provide a written proposal by April 10<sup>th</sup>, if he and Deputy DA Tovey decide providing County Counsel services is something they can, and want, to do. Various discussions ensued.

#### Boardman to Hemingway Environmental Impact Statement Comment Letter

Carla McLane, Planning Director

The five-page letter was reviewed and signed by the Commissioners.

#### Planning Commission Appointment

Ms. McLane explained current Planning Commission member Russ Seawald is resigning and after advertising, a letter of interest was received.

*Commissioner Rea moved to appoint Clint Carlson to the Planning Commission, with term expiration to be December 31, 2015. Commissioner Rea requested Ms. McLane write a letter of thanks to Russ Seawald for his service on the Planning Commission. Commissioner Russell seconded. Unanimous approval.*

### Fair Board Appointment

*Commissioner Rea moved to appoint Angie Hanson to the Fair Board. Commissioner Russell seconded. Unanimous approval.*

### Local Community Advisory Council Appointment – Consumer Representative

*Commissioner Rea moved to appoint Tara Humphreys to the Local Community Advisory Council as a Consumer Representative. Commissioner Russell seconded. Unanimous approval.*

### **Contracts**

#### Eleventh Amendment to Oregon Health Authority Intergovernmental Agreement

*Commissioner Russell moved to approve the Eleventh Amendment to the OHA 2013-2015 IGA for the Financing of Public Health Services, Agreement #142023, and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.*

#### Regence BlueCross BlueShield of Oregon Medical Group Agreement

*Commissioner Rea moved to approve the Regence BlueCross BlueShield of Oregon Medical Group Agreement with the Morrow County Health Department, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.*

#### PacificSource Health Plans – Participating Provider Service Agreement

*Commissioner Russell moved to approve the Participating Provider Service Agreement with PacificSource and the Morrow County Health Department for one year and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.*

### **Comments Prior to Executive Session**

Ms. Wolff said when we come out of Executive Session we will be making a decision.

### **11:37 a.m. Executive Session**

*ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

### **11:50 a.m. Closed Executive Session**

*Commissioner Russell moved that the County Court agrees in principle to the sale of the building known as Morrow County Pioneer Annex Building to the Morrow County Health District (MCHD) for the price of \$80,000, contingent upon MCHD obtaining financing and a contract will follow. Judge Tallman seconded. Aye: Commissioner Russell, Judge Tallman. Abstain: Commissioner Rea.*

### **New Business**

#### Equity Fund - Loan Application from the Oregon Trial Library District (OTLD) – Irrigon Branch

Ms. Wolff said she just received an e-mail from Rex Baker with Greater Eastern Oregon Development Corporation (GEODC) regarding an Equity Fund loan to the OTLD. The loan application for \$175,000 was filled out in 2012 but the process was not completed. How would

you like to proceed, she asked. Judge Tallman asked the balance in the Equity Fund; Mr. Worden stated \$194,000. Judge Tallman and Commissioner Rea both said they would rather see the money from this fund in use. Ms. Wolff said the question now is should OTLD reapply...it's lapsed for two years. The Commissioners all agreed OTLD should reapply. Ms. Wolff said she would notify them.

### **Correspondence Reviewed:**

- Parole and Probation Report showing caseloads for the month of February (109) and January Work Crew billings of \$2,100.
- Copy of letter sent to Morrow Development Corporation letting them know their \$50,000 loan is due this month.
- Invitation from PGE to celebrate a new interactive exhibit they've sponsored at the SAGE Center, Thursday, April 2<sup>nd</sup>, 6-7:30 p.m.
- Preliminary estimates from the Assessor's Office for six new computers and a printer. Ms. Wolff said this will be a good discussion for the Long Range Planning session next week, but she needs to check the Computer/Equipment budget in the meantime.

### **Commissioner Reports**

Commissioner Russell said he, Commissioner Rea and Planning Director Carla McLane attended the GEODC Annual Meeting in Ontario last Friday. He said he learned quite a bit about GEODC, including the fact they are the largest economic development authority in the country, geographically speaking. He said the same concerns are heard district-wide – lack of housing in general, etc. They also talked about the success of the Port of Morrow and its impact to Umatilla and Morrow Counties.

Commissioner Rea said she attended the Columbia Development Authority meeting yesterday and Morrow and Umatilla County still have a difference of opinion on how it should be developed. Umatilla County wants the CDA to hire an economic development person and I'm opposed to that. Umatilla County has the prime land and if something could be sited in Morrow County and ends up being sited in Umatilla County, I'd be upset and I told them they'd be setting themselves up for hard feelings if this is how they proceed.

### **Minutes**

*Commissioner Rea moved to approve the minutes of December 17, 2014, as presented.*

*Commissioner Russell seconded. Unanimous approval.*

*Commissioner Rea moved to approve the minutes of December 24, 2014, as presented.*

*Commissioner Russell seconded. Unanimous approval.*

*Commissioner Rea moved to approve the minutes of March 11, 2015, as presented.*

*Commissioner Russell seconded. Unanimous approval.*

*Commissioner Rea moved to approve the Executive Session minutes of March 11, 2015, as presented. Commissioner Russell seconded. Unanimous approval.*

## Claims

Commissioner Rea asked if the Sheriff's Office talked to anyone (such as Ms. Wolff or Mr. Worden) before they spent \$1,500 on chairs. Mr. Worden said they also purchased a desk from State Surplus. Commissioner Rea said, there's probably nothing we can do about it, but it bothers me. Commissioner Russell said, it bothers me too; why go out and buy more individual items? Commissioner Rea said, I heard they were redoing the console set up. Mr. Worden said, they should have at least asked about it, in my opinion. Judge Tallman said, I will talk to the Sheriff because this doesn't promote inter-departmental good will. Ms. Wolff said, they used 911 funds they had to spend. Commissioner Rea said, I realize that but they could have found something else to spend that money on since we have warehouses full of furnishings. Commissioner Russell said, or give the money back if you can't spend it. Judge Tallman said Undersheriff Steve Myren didn't want to give the funds back and we agreed.

Mr. Worden advised the Commissioners three Visa bills will likely have late charges next month. Commissioner Rea asked which departments. Mr. Worden said two from the Sheriff's Office and one from Justice Court. Commissioner Rea said she knows the Sheriff is elected, but we control his budget. Mr. Worden added this has been brought up several times, including at the most recent Department Head & Elected Officials meeting.

*Commissioner Rea moved to approve the Accounts Payable, dated March 19, 2015, in the amount of \$205,878.78. Commissioner Russell seconded. Unanimous approval.*

Mr. Worden said there are often receipts missing from Visa bills from the Sheriff's Office. Commissioner Rea said we've noticed that when we've had questions about certain charges and have looked for supporting documents. Judge Tallman said he would mention this to the Sheriff. Commissioner Rea said they could put out a box in the office and ask people to put the receipts there.

## Clarification of Vacation Accrual Exceptions

Ms. Wolff said she is coming to the Court to ask for clarification on motions made last week on vacation accrual, specifically in regard to the extended time to use vacation time. She then distributed copies of the Morrow County Policy on vacation and apologized she did not have this information last week, but she did not know Undersheriff Myren was bringing the requests to the Court. The Policy states the maximum accrual is 256 hours. Once reached, no vacation is credited until the employee takes vacation. If the employee can't take vacation, the County can provide a written waiver...normally not to exceed one month. Ms. Wolff also noted Leave Reports are available on the U-drive. I wanted to refresh your memory on Policy – basically it's up to 30 days to take the time off.

I asked Ronda Fox, Finance Management Assistant, to determine how much vacation time Detective Terry Harper would accrue between now and August since the request was to allow the additional time through August. Ms. Fox said if he does not report any overtime, he'll accrue 68 vacation hours; she then estimated with overtime and determined he would accrue 76 hours of vacation time. That's two weeks nobody else accrues and I'm not sure you understood how much would accrue. Was that truly your intent? If you knew this information, would it have

made a difference? This is why I want people to talk to me first before they come to the Court so you can make an educated decision.

Judge Tallman asked if Undersheriff Myren indicated why Det. Harper might be accruing vacation leave. Ms. Wolff said because he's working a homicide in Hermiston, according to Undersheriff Myren, and the Court approved this extension while he finishes the investigation. It's the extending through August that could be a concern.

Ms. Wolff said she reviewed the Leave Report and eight employees are over the limit and 13 are approaching it. The question becomes if we let this one accrue, what about the other employees? The Court approved Sergeant Kristen Bowles having two months to use her leave because she is training new employees. This is understandable because it's based on operational conditions. I wanted to bring this to your attention and let you know the downstream effects...if you make an exception, other will jump on.

Commissioner Rea said she had no problem with the decision regarding Sgt. Bowles. Ms. Wolff said Det. Harper can't take time off immediately; that's not a problem. The concern is going through August – do you stay with that decision or amend it, what are your thoughts?

Commissioner Russell suggested a letter be sent to Det. Harper encouraging him to take vacation time in order to get back in compliance, but if we allowed him to go through August, we'd be setting a precedent we didn't want to set. Commissioner Rea said this is based upon receiving all the facts and numbers. Judge Tallman said this places us in a position we don't want. Commissioner Russell said we don't want to set a precedent. Commissioner Rea said especially since other employees are coming close to the cap. Ms. Wolff summed up the discussion and confirmed you're not extending through August but he does have 60 days to come into compliance. Judge Tallman said we reviewed our previous decision and for non-precedent setting, this is our decision. Commissioner Rea said having all the facts and figures makes a difference.

### **Commissioner Reports, continued**

Commissioner Rea said she received an e-mail from a member of the board at the Neighborhood Center which said the center has been fined \$2,500 for failing to file 2013 taxes. The board member said the taxes have since been filed, but wanted to know how they should respond. Commissioner Russell asked, aren't they a non-profit? Commissioner Rea said, yes. Commissioner Russell said they should write a letter asking to abate the penalty.

Regarding Special Transportation, Commissioner Rea said more volunteer drivers are needed in Heppner and could this be advertised. The job description for paid drivers was then discussed and Ms. Wolff said the County has not approved that job description or set a wage. Commissioner Rea said the Morrow County Special Transportation Fund Advisory Committee (MC-STF) has approved the job description but the County hasn't, but could we get additional volunteers until we can convert to paid drivers. The status of Special Transportation was discussed.

**Adjourned 1:15 p.m.**