

Morrow County Court
October 21, 2015
Boardman, Oregon
Port of Morrow Riverfront Center

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Karen Wolff, Human Resources Director
Richard Tovey, County Counsel/Deputy District Attorney
Rick Worden, Finance Department Director
Undersheriff Steve Myren

Excused

Roberta Lutcher, Court Executive Assistant

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

City and Citizen Comments – Boardman

No comments

Open Agenda

Ms. Wolff commented the County received the Certificate of Occupancy for the Bartholomew Building.

New Business

Letter of Support – Morrow County Grain Growers (MCGG)

MCGG requested a letter of support for their *ConnectOregon* application for funds to expand the Boardman grain handling facilities, giving it the capability to load and unload unit trains.

Commissioner Russell moved to approve and sign the letter of support for MCGG's ConnectOregon application giving MCGG the ability to load and unload unit trains at the Port of Morrow. Commissioner Rea seconded. Unanimous approval.

Correspondence Reviewed:

- Mountain West Moving & Storage instructions for labeling boxes, furniture and electronics for the move to the Bartholomew Building. Discussion took place on how to handle employees displaced during the two moving days. Ms. Wolff said it would probably impact the Juvenile Department and one or two Public Health Department employees. The Commissioners agreed by consensus to allow employees to flex their hours or have paid time off.
- Notice from the Town of Lexington regarding land use actions.
- Letter from the Umatilla County Board of County Commissioners to Umatilla Electric Cooperative regarding the Wheatridge Wind Project and transmission lines.

- Letter of appreciation from Lawrence J. McElligott concerning services received by Morrow County Veteran's Representative, Linda Skendzel.
- Parole and Probation Report for the month of September.
- Finley Buttes Landfill Company spreadsheet of Morrow County Fees for the month of September - \$158,442.27 received.

Department Report

Surveyor Update

Stephen Haddock, Morrow County Surveyor

- Previously, the Court referred a query from a cartographer with the National Geodetic Survey (NGS) to Mr. Haddock. The request involved accessing a marker in the basement of the Courthouse and the Commissioners thought it meant digging a deep hole and were not in favor of it. Mr. Haddock said the NGS' brass disk should still be in place in the office of Jordan Standley and measurements only need to be taken from the brass disk. Mr. Haddock went on to explain NGS is making these "gravity measurements" to update their maps and they usually locate markers in historic government buildings that are not likely to be demolished. The Commissioners approved the access to the Courthouse and Ms. Wolff said she would make the arrangements with the cartographer.
- Mr. Haddock said he began work on the remonumentation project in Lexington. The cost for the work was higher than expected because an individual reported setting monuments that, in fact, were not there. There were 31 corners in and around Lexington that required survey work, field work and remonumentation at a cost of \$951 per corner. The funding source is the Public Land Corner Preservation Fund (\$10 from each recording fee in the Clerk's Office comprise this fund, with the exception of fees associated with liens.).
- The County received 235 survey maps from the Oregon Department of Transportation. Mr. Haddock said he plans to make them available online with a disclaimer the work was done by ODOT and, therefore, accuracy cannot be ensured by the County.
- Mr. Haddock asked the Court about reimbursement for survey work he performed for the County. The Commissioners instructed him to submit an invoice for his usual fees, as has been the practice with previous County Surveyors.

Comments Prior to Executive Session

Ms. Wolff stated it is unknown at this time whether or not a decision will be made outside of Executive Session.

Executive Session #1 - 9:54 a.m.

ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Closed Executive Session – 10:24 a.m. No decisions.

Break

Department Report

Road Report

Burke O'Brien, Public Works Director

- Little Butter Creek – replaced a culvert and cleaned rock and debris from the inlet, outlet and drainage area. Road rock was added to the area and it was bladed.
- Culverts cleaned on 21 Road, Tupper Lane, Sunflower Flat Road and Ritter Road. Crew will move to Willow Creek Road, Blake Ranch Road and Shaw Grade Lane.
- Paint striping completed for the year on Tower Road, Bombing Range Road and Baseline Lane.
- Crack sealing started on Upper Rhea Creek Road.
- Pothole patching should start in a few weeks. Phoenix Asphalt will bring in the Stepp Manufacturing machine for a demonstration over a one to two week period.
- Road blading completed on Morter Lane. There will be three blades working the Penland Lake, Valby and north Ione areas. A fourth blade will start on the Juniper Canyon and Grieb Lane areas.
- Preparations for winter road maintenance were reviewed.

Public Health Department

Sheree Smith, Public Health Department Director

Shelley Wight, Tobacco Education/Communicable Diseases

- Ms. Wight said the idea of a Tobacco Free Policy was presented in August and today's draft was specifically written for Morrow County after she consulted the State of Oregon and a private contractor. She explained it does prohibit electronic smoking devices, but in a broad manner in order to also capture future products. In addition, approved nicotine replacement products (patches, gum, etc.) are allowed. Undersheriff Myren asked where employees, such as dispatchers unable to leave County property, will be allowed to smoke. Ms. Wight replied that is a good question, but other institutions, including the Morrow County Health District, have successfully transitioned to tobacco free campuses. Employees have to step off County property to smoke, she said. Ms. Wight said another question brought up by the District Attorney's Office was how to handle sequestered jurors. She said she researched the policies of eight County Courthouses that are tobacco free and they announce the policy in the notices sent to jurors. They are instructed to bring nicotine replacement products, she said. Additional discussion. Ms. Wight asked the Commissioners to review the draft policy and notify her of any changes they feel are necessary. Judge Tallman requested Ms. Wight present the draft policy at the next Department Head/Elected Officials meeting on November 24th.
- Ms. Smith asked the Court to increase the hours for the Nurse Case Manager from 16 hours per week to 19, noting she will only be with the County for two more months. The Commissioners agreed by consensus to the request.
- Public Health will bring in a company to shred documents and other departments can pay the \$5 per box charge if they would like to take advantage of the opportunity. Ms. Smith said she would notify the other departments.

Purchasing Pre-Authorization – Public Health

Ms. Smith said the two requests will be funded through an Ebola Grant (Preparedness Program).

Commissioner Rea moved to approve the Purchasing Pre-Authorization from the Public Health Department to purchase two Sensaphone 400 Monitoring Systems and four Sensaphone

Temperature Sensors with Glass Bead Vials, total amount \$925, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Commissioner Russell moved to approve the Purchasing Pre-Authorization from the Public Health Department to purchase two satellite phones in the amount of \$3,999.85, and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.

Sheriff's Office – Request to Fill Dispatcher Position

Undersheriff Myren requested permission to recruit and hire for the vacant dispatcher position.

Commissioner Rea moved to approve the Sheriff's Office hiring of a dispatcher when a suitable applicant is found. Commissioner Russell seconded. Unanimous approval.

Undersheriff Myren discussed the camera system in the Bartholomew Building and offered several recommendations. Ms. Wolff suggested she and Undersheriff Myren meet after employees have been in the building for a while to see if changes or improvements to security are necessary.

On another matter, Judge Tallman said he would like to conduct a County fire drill. Ms. Wolff said a plan should be worked out in consultation with Department Heads. Undersheriff Myren said he is ready to assist and a drill should be inclusive of multiple scenarios and be called an All Hazards Drill.

Juvenile Department Update

Tom Meier, Juvenile Department Director, was unable to attend due to illness. He did provide a written Quarterly Report for review.

Old Business

Jacquez Property – Boardman

Richard Tovey, County Counsel/Deputy District Attorney

Mike Gorman, Assessor/Tax Collector

Mr. Tovey reviewed the packet of information provided by Kuhn Law Offices, who represent Rosa Jacquez. He said the Commissioners requested documentation in order to verify her claim that Leo Jacquez fraudulently removed her name from the deed on the property, which meant she was not notified during the foreclosure process. She has since requested to pay the back taxes owed and regain the property in her name. Mr. Tovey reviewed the documents signed by Mr. Jacquez that detailed how he committed the fraud.

Mr. Gorman said if Ms. Jacquez can provide certified funds, the County should accept them and bring this to a conclusion. Discussion. The Commissioners agreed to allow Ms. Jacquez to pay the back taxes, with the stipulation it be certified funds, include the County's recording fee, and be done within 60 days.

Commissioner Russell moved to agree to the letter as outlined by Kuhn Law Offices regarding the Jacquez Property, noting this is done on a case-by-case basis and is not precedent setting, to

sell the property to Rosa Jacquez for the back taxes owed and fees of \$2,556.84, which must be paid in cash, cashier's check or certified funds within 60 days. In addition, Ms. Jacquez will pay the recording fee to the County. Commissioner Rea seconded. Unanimous approval.

Assessor - Miscellaneous

Mr. Gorman provided the list of the County's 2015 Top 20 Taxpayers for the Commissioners.

Lunch break: 12:00 p.m.

Resumed: 1:15 p.m.

County Counsel Report

Mr. Tovey reviewed the report from Co-County Counsel, Justin Nelson:

- The Fair Board would like to place restrictions on sexual predators at the fairgrounds. Mr. Nelson stated there are concerns about the legality of such conditions. Mr. Nelson will contact other County Counsels and Fair Secretary Ann Jones will contact other county fair administrators for advice/comparison.
- A formal sales agreement has been drawn up for Morrow County Health District's purchase of the Pioneer Annex Building.
- Love's Travel Stops Appeals – a cost bill was filed with the Land Use Board of Appeals for reimbursement of the County's copying costs of \$61.75.
- Mr. Nelson will attend the Association of Oregon Counties Winter Conference (County Counsel portion) and Mr. Tovey plans to attend the same during the AOC Summer Conference.
- Working with Public Works on a bad check case, which will likely be forwarded to the Sheriff's Office as a criminal act.

Change in the Composition of the County Court

Mr. Tovey reported he has been in contact with the State Elections Office and they do not necessarily see eye-to-eye. He said he sent them his notes, and the Attorney General's opinion from 1966 and explained how he and Mr. Nelson reached their conclusion. This information has been forwarded to the Assistant Attorney General who advises the Elections Office and a new opinion may be issued, he said.

Claims

Commissioner Rea moved to approve the Accounts Payable, dated October 22nd, in the amount of \$244,970.67. Commissioner Russell seconded. Unanimous approval.

Commissioner Reports

Commissioner Rea said she attended the Columbia Development Authority meeting on October 15th and that office will be moving from the Port of Morrow to a facility at the east entrance of the former Umatilla Chemical Depot, off I-82. She said a business has expressed serious interest in a lease but it is hard to make a deal because ownership of the land has not been turned over to the entities (Morrow and Umatilla Counties, the Confederated Tribes of the Umatilla Indian Reservation, and the Ports of Morrow and Umatilla).

Commissioner Rea said she will attend the Morrow County Livestock Growers meeting on November 3rd to make an informational presentation on behalf of the Morrow County Wolf Depredation Advisory Committee.

Commissioner Russell mentioned several activities in which he's participated, including the Fair Board meeting where two issues were discussed at length – whether or not to continue having a Morrow County Fair Queen, and whether or not to pay for the entertainment during the Beer and Wine Tasting event.

Judge Tallman reported a representative of W.C. Construction said the County may have a positive balance in the contingency fund, which will be returned.

Comments Prior to Executive Session

Ms. Wolff said a decision is not anticipated outside of Executive Session

Executive Session #2 – 2:13 p.m.

ORS 192.660(2)(a) To consider the employment of a public officer, employee, staff member or individual agent.

Closed Executive Session – 2:21 p.m. No decision.

Adjourned: 2:22 p.m.