

Morrow County Court
September 28, 2016
Heppner, Oregon
Bartholomew Building Upper Conference Room

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Jerry Sorte, Administrative Officer
Karen Wolff, Human Resources Director
Justin Nelson, County Counsel/District Attorney
Kate Knop, Finance Director
Roberta Lutchter, Court Executive Assistant
Melissa Lindsay, Judge-Elect
Jim Doherty, Commissioner-Elect

Audience

Mike Gorman, Assessor/Tax Collector
Carla McLane, Planning Department Director
David Sykes, Heppner Gazette-Times

Call to Order: 9:01 a.m., followed by the pledge of allegiance.

City and Citizen Comments

Lyle Peck, Heppner

Mr. Peck wanted the Court to be aware of road work needed on Black Horse Canyon Lane and Bell Canyon Loop. Judge Tallman suggested he attend the next Road Committee meeting where road work/projects are discussed and prioritized. Commissioner Russell took the opportunity to explain how road funding works. He said by State constitution, counties cannot spend property tax dollars on roads. The State gives counties a share of gas taxes and vehicle registration fees based on population and he explained, in Morrow County that translates to about \$900,000. In a small population county like Wheeler County, the current funding formula allocates \$120,000 to them, which is not much in terms of road budgets, said Commissioner Russell. He went on, Morrow County is in a fortunate position to be able to fund roads using tippage fees from Finley Buttes Landfill and money from energy projects and Strategic Investment Program (SIP) funds. Using these sources, the County allocated an additional \$500,000 for road work this fiscal year, he said. Furthermore, Oregon hasn't had a transportation package to increase the gas tax in many years, which needs to happen, he said. Commissioner Rea told Mr. Peck that Public Works staff would notify him of the next Road Committee meeting.

Open Agenda

No items

Old Business

Draft Tobacco-Free Facility Policy

Karen Wolff, Human Resources Director

Sheree Smith, Public Health Director

Shelley Wight, Public Health, Tobacco Education/Communicable Diseases

Ms. Wolff first reviewed the timeline of discussions by the County Court when they considered tobacco-related policy options. (The County currently has a smoke-free buildings and vehicles policy and allows smoking in designated areas.) Ms. Wolff said the provided packet of information includes the draft Tobacco-Free Facility Policy, patterned after Deschutes County's, and requested comments from Department Heads, Elected Officials and staff. The Tobacco-Free Policy Workgroup (Ms. Wolff, Ms. Smith, Ms. Wight, Jerry Sorte, Administrative Officer) now needs direction from the Court, she said.

Ms. Wight said in 2015 she presented draft smoke-free and tobacco-free policies for the Court and was asked to determine what other counties have done. She said she looked at the tobacco policies of the following counties – Umatilla, Deschutes, Hood River, Wheeler, Coos, Multnomah, Clatsop, Benton and Marion. She said the Court also discussed pursuing cessation assistance or other benefits/incentives for employees attempting to transition away from tobacco usage.

Ms. Smith made note of the fact that Public Health receives funding for tobacco education but it is not contingent on policy. The County's current policy is outdated and hasn't kept pace with tobacco use systems, she said. The nine counties mentioned by Ms. Wight all instituted tobacco-free policies and haven't encountered problems, she said.

Mr. Sorte said there have been issues raised about enforcement of policy. He said he has been responsible for enforcing tobacco policy and it can be tough, but it is a supervisor's responsibility. He said any new policy would likely be effective January 1, 2017 so there is adequate time to inform staff. He also said he didn't think enforcement by itself should prohibit moving forward because it can be worked through.

Commissioner Russell said as a non-tobacco user, he didn't like people smoking near him but cigarettes and smokeless tobacco are legal products. Ms. Wight agreed but added alcohol is also a legal substance but the County has rules on its usage. Ms. Smith said we are not trying to take rights away, we're just saying a person can't use tobacco here (County vehicles and properties, excluding rights-of-way and County Parks).

Commissioner Russell asked if there is a difference in health insurance premiums if a tobacco-free policy is implemented. Ms. Wolff said she verified there is no difference.

Commissioner Rea said this could be the first step in a slippery slope and she would support a non-smoking policy but not a tobacco-free policy.

Ms. Smith reminded the Court they were presented with both options and directed staff to move forward with the tobacco-free option. There are still valid reason to being tobacco-free, she said. Judge Tallman said he believes the State will impose requirements in the next few years and he'd rather be proactive and have policy in place prior to that.

Ms. Wight discussed a voluntary wellness program offered to ConAgra employees that is administered by a third party. She said if certain goals are met, employees can receive \$300 at the end of the year and deductibles can be reduced from \$750 to \$350.

Justin Nelson, County Counsel/District Attorney, said he is of the opinion the County should have a smoke-free policy with designated smoking areas instead of a tobacco-free policy.

Mr. Sorte said he considers equal application of policy when managing staff. Under our current policy, use of chew while working is not prohibited. How would it look if a front office person greeting the public had chew in his/her lip, he asked. These are the small details that need to be considered, he said.

The Court agreed they could not support a tobacco-free policy but would like current policy enhanced to include new language. Commissioner Rea said she would like to close the current loopholes in policy and allow smoking only in designated areas, preferably out of the public's view. In addition, she said, if insurance premiums increase for tobacco users, the employee needs to pay that additional cost. She said she would also like policy to treat staff and elected officials equally – not allowing any special privileges for elected officials.

Carla McLane, Planning Director, said the County facility in Irrigon where her office is located has a picnic table outside that has become a smoking area for members of the public, mostly clients of the Parole and Probation Office. She asked if there could be separate areas designated as smoking and smoke-free.

Ms. Wight requested there be some consideration of bonuses or incentives for employees for tobacco cessation. The Court was in favor of incentives or wellness offerings, and Commissioner Rea asked Ms. Wight to provide more information on the ConAgra program. The Court thanked the Workgroup for their efforts thus far.

Courthouse Clock Update

Gary Kopperud, Master Clockmaker

Rod Wilson, County Contractor- Construction Services

Mr. Kopperud said he received word the clock in the Courthouse tower was no longer functioning. He said he and Mr. Wilson will evaluate the situation and report their findings by the end of the day. He said this clock was originally designed to operate one face, but now runs three, and clocks by their very nature need regular maintenance and adjustments. Commissioner Rea asked about using the current mechanisms to run one face and batteries to operate the other two. Mr. Kopperud said batteries are not possible, but electric motors are. Mr. Wilson said his

main job as a contractor will dictate his availability to assist on this project. Mr. Kopperud added there will be intermittent activity until they solve the current problem.

New Business

County Counsel Contract Renewal

Mr. Sorte

Mr. Sorte said the time period in this contract for County Counsel services of Mr. Nelson and Richard Tovey is through June 30, 2017 and could be automatically renewed at that time. He added it retains the right for either party to terminate the contract upon a 30-day written notice. Mr. Sorte stated he supports the contract. Discussion.

Commissioner Rea moved to approve the County Counsel Agreement between Morrow County and Justin Nelson and Richard Tovey with the beginning date of October 1, 2016 through June 30, 2017 with an option for renewal. Compensation for Mr. Tovey to be \$2,420 additional monthly total benefit (includes stipend, FICA, Medicare and retirement); and for Mr. Nelson to be \$2,420 additional monthly total benefit (includes stipend, FICA, Medicare and SUTA). No medical or retirement benefits shall be provided to Mr. Nelson. Commissioner Russell seconded. Unanimous approval.

Sign Affinity Network Acknowledgement Letter for Public Health Department

Ms. Smith

Ms. Smith said there is an agreement already in place and this simply acknowledges the name change from Moda to Affinity.

Commissioner Rea moved to approve signing the Affinity Network Acknowledgement Letter and authorizing Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

County Counsel Report

Mr. Nelson

Mr. Nelson reported he and Mr. Tovey recently worked on Public Health Department agreements, a contract extension request from the Road Department, and various aspects of bringing in an architect to produce information that would help with the decision-making process for a possible north end building. In reference to the unfunded mandate litigation, he said a motion for summary judgement was filed by both sides but he is unsure of the hearing date.

Administrative Officer Report

Mr. Sorte

- Mr. Sorte said he's been coordinating with Mr. Nelson to make sure the County observes the proper processes in using an architect to estimate size and rough costs for a north end building.
- The irrigation system around the Bartholomew Building should be completed this week.

Claims

Commissioner Rea said she noticed cancelled Park reservation fees that were returned to one person totaling \$897.80. She said she wondered if the online reservation system lacks checks and balances if it allows someone to make reservations at multiple locations for the same timeframe. Kate Knop, Finance Director, said staff would look into it.

Discussion took place on the process that pays for the alcohol served at the Beer Garden during the Rodeo. Ms. Knop said invoices are processed for OLCC (Oregon Liquor Control Commission) and Graybeal Distributing. Commissioner Russell asked that receipts be reviewed so alcohol is only reimbursed to the official vendors. Ms. Knop responded Finance Office staff members closely review receipts on a routine basis.

Commissioner Rea moved to approve the Void Check, dated September 22nd, and the Accounts Payable, dated September 29th in the amount of \$59,931.21. Commissioner Russell seconded. Unanimous approval.

Minutes

Commissioner Russell moved to approve the minutes of September 21st, with correction. Commissioner Rea seconded. Unanimous approval.

Commissioner Rea moved to approve the September 14th minutes of the Columbia River Enterprise Zone II Sponsor Entities (Morrow County Court, City of Boardman, Port of Morrow) as presented. Commissioner Russell seconded. Unanimous approval.

Correspondence Reviewed:

- Judge Tallman reviewed a document from the most recent meeting of the Local Community Advisory Council that showed the status of various program goals for the twelve counties of the Eastern Oregon Coordinated Care Organization.
- Informational document on the Eastern Oregon Healthy Living Alliance (EOHLA). The document covering the history and establishment of EOHLA was written by its Board President, Andrea Fletcher.
- Public Notice from Oregon Department of Energy on the Carty Generating Station Temporary Suspension of Comment Period for Site Certificate Amendment Request. Ms. McLane said she understands PGE plans to finish the Integrated Resource Plan process and then re-engage the Site Certificate Amendment Request.
- Agenda for the October 4th meeting of the Morrow Soil & Water Conservation District.
- Judge Tallman read from a note he received from Ruchi Sadhir, Energy Policy Advisor, Office of the Governor, in which she mentioned numerous things she learned about eastern Oregon resources on her recent visit to Morrow County.

Commissioner Reports

- Commissioner Russell followed up on the previous week's discussion during County Court regarding a person from Coos County convicted of a violent crime being housed at

Columbia River Ranch mental health residential treatment facility. He said the individual will be there for 30 days and Coos County parole and probation people were of the understanding Columbia River Ranch was a secure facility. He said he wondered if the staff at Columbia River Ranch conduct background checks on residents prior to placement.

- Commissioner Russell said he met with Brett Cook, Building Inspector for the City of Boardman and Morrow County, to ask him about various buildings in the County. He said Mr. Cook is of the opinion the Irrigon Annex Building should be torn down. Commissioner Russell said Mr. Cook also told him the Blue Mountain Community College Building in Boardman is a good building and the interior walls are not load-bearing so the floor plan could be rearranged.

Adjourned: 11:28 a.m.