

**Board of Commissioners Meeting Minutes**  
**January 24, 2018**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present**

Chair Don Russell  
Commissioner Jim Doherty  
Commissioner Melissa Lindsay  
Darrell J. Green, Administrator  
Karen Wolff, Human Resources Director  
Justin Nelson, County Counsel  
Kate Knop, Finance Director  
Roberta Lutchter, Executive Assistant

**Call to Order and Pledge of Allegiance:** 9:00 a.m.

**City and Citizen Comments:** None

**Open Agenda:** Commissioner Lindsay requested the Road Department Monthly Report be moved up to accommodate the Public Works Director's schedule.

**Consent Calendar**

Commissioner Lindsay requested to move the Contribution to the Morrow County Trust to Business Items.

*Commissioner Lindsay moved to approve the following items in the Consent Calendar, removing agenda item 4b. Contribution to the Morrow County Trust:*

- 1. Accounts Payable dated January 25<sup>th</sup> in the amount of \$195,374.96; Manual Check dated January 18<sup>th</sup> to Withnell Motors in the amount of \$41,758; Manual Check dated January 16<sup>th</sup> to Visa in the amount of \$5,261.07; Payroll Payables, Immediates & Electronic, Employee Final dated January 9<sup>th</sup>*

*Commissioner Doherty seconded. Unanimous approval.*

**Department Reports**

Road Department Monthly Report

Matt Scrivner, Public Works Director  
Eric Imes, Assistant Road Master  
Mr. Scrivner reviewed the items in his Road Report.

**Business Items**

Review of Elected Positions and Recommendations to the Compensation Board

Karen Wolff, Human Resources Director

Ms. Wolff said she was seeking recommendations from the Commissioners as to the information and statistics that should be forwarded to the Compensation Board for its February 13<sup>th</sup> meeting

[since changed to February 21<sup>st</sup>]. Regarding Cost of Living Adjustment (COLA) and Consumer Price Index (CPI) numbers, Commissioner Russell asked Ms. Wolff to forward the entire information packet she presented today and allow the Compensation Board to make the determination; Commissioners Doherty and Lindsay concurred.

On the subject of Commissioner compensation, Ms. Wolff explained last year the Compensation Board members said the topic needed more public vetting so that is why this is back for consideration. Commissioner Doherty said he made the motion last year that Commissioners be referenced as Commissioners, without a designation of part-time or full-time. He said he continued to evaluate the time spent over the last year and his opinion is the Compensation Board should look at a Commissioner position as one full-time equivalent (FTE). Commissioner Doherty continued by saying he did not want to tell the Compensation Board what that compensation should be.

Commissioner Lindsay said Commissioners are elected, and as such an FTE label would be a false notion. She said the question is not how many hours are worked, but what the citizens expect. She said she kept track of the hours and found it very much to be more than a part-time position...but that is her choice.

Chair Russell said as he looks to the future, he wants anyone who considers running for a Morrow County Commission position to know it's a full-time commitment. He stressed the importance of attending meetings in-person around the State on a regular basis so Morrow County's fate is not left in the hands of others. He said future Commissioners need to know the expectations of the citizens of Morrow County are that it's much more than a part-time commitment. Chair Russell discussed conversations he's had with Commissioners around the State, and the consensus is they are not part-time positions and that the expectation of most counties is for the positions to be full-time. Very few counties expect Commissioners to work part-time, he said.

#### Surveyor Compensation

Ms. Wolff explained the Commissioners most recently decided to have the Internal Revenue Service (IRS) determine whether the elected Surveyor should be considered a County employee or an independent contractor based on the current compensation structure (\$36,000 stipend plus some fees). That request was made of the IRS in December and can take at least six months. In the meantime, Ms. Wolff requested direction as the budget process is beginning for Fiscal Year 2018/2019.

Ms. Wolff said she and Administrator Darrell Green, and County Counsel Richard Tovey, met to discuss this and concluded the Surveyor should be considered an employee. During the discussion, she said they took into consideration the opinions of the County's auditors, labor counsel and IRS rules.

Ms. Wolff said another option would be to return to a “Fee Based Official” whose only compensation is the fees directly from the public for his/her services. However, she said a Fee Based Official may also receive an additional amount of compensation but it must be less than the fees collected. In this situation, the amount of compensation to the Surveyor, \$36,000, definitely exceeds the amount of fees collected over the last several years, she said. Both the auditors and labor counsel provided opinions that the level of compensation has exceeded that of a Fee Based Official, noted Ms. Wolff.

Chair Russell said, absent an opinion from the IRS, his opinion would be to move forward with the Surveyor position as an elected employee. He said he would leave the budget up to the Compensation Board, but the overall hours don’t justify more than a part-time position. Commissioners Lindsay and Doherty concurred.

Surveyor Stephen Haddock said just as the County relied on its professionals for an opinion, so did he, and his professional did not agree. Mr. Haddock also expressed concern that the Commissioners have not been presented with enough information to fully understand every aspect of his position – from the pertinent Oregon Revised Statutes (ORS) to the hours worked and his actual duties, etc. To be fair to the constituents, he said the Board needs an understanding of what he does in order to make a recommendation on the employee vs. independent contractor issue.

Commissioner Doherty suggested Mr. Haddock have that discussion with the Compensation Board. Mr. Haddock said he provided the statutes to the Compensation Board two years ago but the in-depth conversation has not taken place. He said he keeps getting a “let someone else deal with it” message from everyone.

Commissioner Lindsay recounted events that led to the Surveyor position continuing to be listed on the ballot as an elected position when it should have been made an appointed position. She said at the end of the current term in 2020, she recommended following the advice and stated Statute from the County Clerk it be an appointed position. The Board’s future vision for the Surveyor position needs to be determined, she concluded.

Chair Russell said he doesn’t want this to reflect on the job being done by Mr. Haddock. He’s done much more for Morrow County than any previous Surveyor and should be compensated for his efforts, he added. Chair Russell also said when the current term expires, his vision is that the County Surveyor be an employee who becomes part of a larger department, or that we put out a Request for Proposals and hire an independent contractor. Extensive discussion.

*Commissioner Lindsay moved to classify the Surveyor as an employee, the same as other Elected Officials; paying his \$36,000 – withholdings and other insurance to be withheld; and the \$36,000 compensation rate will be analyzed by the Compensation Board with every other position. Commissioner Doherty seconded. Commissioner Lindsay added that it be effective January 1<sup>st</sup>. Discussion. Finance Director Kate Knop said the gross is \$36,000, net will be*

*different. County Counsel Justin Nelson said \$36,000 was a stipend or compensation. Ms. Knop said it was a guaranteed wage. Mr. Nelson said from that is the withholdings, not total County cost is \$36,000 then take from that. Commissioner Lindsay said we take out from there. Ms. Knop again said the gross is \$36,000. Chair Russell said his opinion is the Surveyor is not harmed by this, it takes the burden of taxes away and puts it on the County, it reduces the amount he gets from the County but the net effect after taxes is the same. Mr. Haddock said the only issue with saying we “have to” is part of his whole presentation of this was to not make this an hourly position. He said if we use the \$36,000, which is what he presented – based on the fact the County is treating him as a business, and that included charges for his truck, equipment and software – it doesn’t seem that the \$36,000 is now a wage when to him it’s including in it these things that by all reality ought to be handled under a contract. That number is mixed and it hasn’t been sorted out. Chair Russell suggested he talk to his tax accountant to figure out the net effect, but he believed the net amount would be the same depending on what the Compensation Board determines going forward. Ms. Knop said that is her understanding but the discussion now includes a few things such as tax compliance, the Board’s vision for the Surveyor position, what the job is, etc. Chair Russell amended the motion to be effective February 1<sup>st</sup>. Commissioner Lindsay asked if it would be impossible to make it effective January 1<sup>st</sup>. Ms. Knop said he’s already earned most of his January services. Mr. Haddock said it did not matter to him and that he was willing to work with the County as long as the County was willing to work with him and sit down to come up with the job and vision and how the County plans to comply with the laws of the State. Chair Russell said the Board’s intent today is to just make technical changes on how taxes are collected. Commissioner Lindsay called for the question. Chair Russell said the County is making a change from a 1099 to a W2 employee, effective January 1<sup>st</sup>. Aye: Commissioner Doherty, Commissioner Lindsay. Nay: Chair Russell. Motion carried.*

Chair Russell said to make the change by July 1<sup>st</sup> and that, hopefully, the IRS will have ruled by then. Commissioner Doherty said Chair Russell would have preferred this take effect July 1<sup>st</sup> and he did not disagree.

**Break:** 10:38 a.m.    **Resumed:** 10:47 a.m.

#### JobMeas™ Evaluations for Elected Positions

Ms. Wolff said it was suggested JobMeas™ evaluations be conducted as a way to compare the wages of Elected Officials to those of appointed Department Directors. She said the challenge with the JobMeas™ program is it uses the minimum qualifications and education to be eligible for a position as the major factors in the wage evaluation. The minimum qualifications for some of the elected positions are that a person be an elector of the County, and live in the County for one year. She said this means it brings the wage down substantially and makes it difficult to make a fair comparison. The Commissioners agreed the evaluations should be forwarded to the Compensation Board so all positions will have been through the same matrix.

#### Compensation Board Meeting Timeline

- If Elected Officials would like to have comments included in the notebooks distributed to the Compensation Board, they should submit them to Ms. Wolff by February 1<sup>st</sup>.
- The notebooks will be distributed to the Compensation Board by February 5<sup>th</sup>.
- After the notebooks have been distributed, additional comments will be accepted through February 9<sup>th</sup>. Any new comments will be electronically scanned to those who received the notebooks.
- The Compensation Board notebooks will be uploaded to the County's website.

#### Budget Committee Reappointment Requests

Kate Knop, Finance Director

Ms. Knop reviewed the proposed staggered terms for the Budget Committee, as discussed at the January 17<sup>th</sup> BOC Meeting.

*Commissioner Doherty moved to identify the Budget Committee positions by number and to approve revising the appointment term end dates, pursuant to ORS 294.414, so that one-third of the appointive members end each year. Commissioner Lindsay seconded. Unanimous approval.*

*Commissioner Lindsay moved to reappoint Larry Mills to the Budget Committee, term to be July 1, 2018 through June 30, 2019; and to reappoint Linda LaRue to the Budget Committee, term to be February 4, 2018 through June 30, 2021; thereby filling Positions 1 and 2. Commissioner Doherty seconded. Discussion: The Commissioners agreed that as the end of any given term approaches, the County will advertise and request letters of interest. This will allow the existing member and members of the public an opportunity to apply. Unanimous approval.*

Discussion continued that the Commissioners would like staff to follow this same process for future appointments on other boards and committees. That being, prior to any term end date, the opening be advertised and letters of interest solicited that will then be forwarded to the BOC for consideration.

#### Community Renewable Energy Association (CREA) Request to Participate in Joint Funded Economic Impact Analysis of Wind Energy in Oregon

Chair Russell said when the request was brought up at the last CREA meeting, he was of the opinion Morrow County's payments to CREA were more than enough to allow them to finance the \$15,000 study themselves. However, he said he does see the value that could come to Morrow County from the analysis. There is an effort to bring renewable energy to Oregon that is generated in Montana and Wyoming, said Chair Russell. Being able to show it's economically more advantageous to keep that energy generation in-State would ultimately benefit Morrow County, he said. Brief discussion.

*Commissioner Doherty moved to approve a \$2,000 contribution from the Court Discretionary Fund to CREA for the economic impact study being done on renewable energy produced in Oregon versus renewable energy produced outside Oregon. Chair Russell seconded. Discussion: Commissioner Lindsay stated the Board requests entities receiving money from the*

*County provide periodic updates, but that hasn't been the case with CREA. She said developers are already doing this work and if the County wants to pursue something, it should study the process and time it takes to get through the Energy Facility Siting Council process. Aye: Chair Russell, Commissioner Doherty. Nay: Commissioner Lindsay. Motion carried.*

#### Contribution to the Morrow County Trust

Kate Knop, Finance Director

Ms. Knop said she wanted to verify the amount the Board opted to direct to the Morrow County Trust at the most recent Long Range Planning Meeting. She further explained the Morrow County Retirement Plan funded ratio is 66% and the Plan's actuarial accrued liability is \$30,537,274, of which \$10,327,388 is unfunded. Discussion.

*Commissioner Lindsay directed staff to bring forward the necessary resolution to apply \$1,000,000 to the Morrow County Retirement Plan, since the funds are currently available. Commissioner Doherty seconded. Unanimous approval.*

#### **Department Reports**

##### Sheriff's Office Monthly Report

Administrative Lieutenant Melissa Ross

Lt. Ross reviewed the report of activity for December, which included a more detailed breakdown of arrests and responses to calls. She also mentioned several wolf sighting were reported in the Ione-Gooseberry Road/Carlson Lane area; they were conveyed to the Oregon Department of Fish & Wildlife.

##### Clerk's Quarterly Report

Bobbi Childers, Clerk

Ms. Childers provided preliminary ballot results for the previous day's election. She said historically, south Morrow County has seen greater voter participation, however, Irrigon had the highest return in this election.

Ms. Childers asked the Board for direction concerning the Surveyor position and whether it will be an elected or appointed position going forward. Commissioner Lindsay said the statute provided by Ms. Childers states the Surveyor will be appointed unless a decision is made that it be elected. Ms. Childers agreed and added the previous County Court and this Board have remained silent and she would like to hear it be said that for 2020 the Surveyor will be appointed.

*Commissioner Lindsay moved to have the Surveyor be an appointed position unless something changes. Discussion: Commissioner Doherty said according to ORS, if the Board does nothing, it becomes appointed. He asked if this should be put on a future agenda for discussion. County Counsel Justin Nelson agreed but asked what the mechanism will be for informing the public of the change. Ms. Childers said it does say it can continue to be elected. Motion died for lack of a second.*

### Human Resources Quarterly Report

Karen Wolff, Human Resources Director

Ms. Wolff reviewed the report of activity in her office from November – January (to date). Recruitments took place for the County Administrator, Public Works Director, and Assistant Road Master. Juvenile Probation Counselor and Register Nurse recruitments remain open. Ms. Wolff discussed two recent automobile accidents and reported both employees will return to work.

### Surveyor Quarterly Report

Stephen Haddock, Surveyor

Mr. Haddock reviewed his report. He discussed the ongoing problem of property monument markers being destroyed when excavation takes places, mostly by contractors. He said Planning Director Carla McLane suggested he prepare a brochure that can be given to members of the public when they apply for permits that require excavation. It will also be posted to the Surveyor's page of the County website. The brochure will explain the importance of the markers and the cost to replace them.

Mr. Haddock said he and Mr. Green spoke during the break and plan to put together a draft concept of the Surveyor's Office for the Board.

Chair Russell said the contractor doing work near Wilson Lane in Boardman (Zayo) has been at that location for quite some time. He suggested that permits issued by Public Works contain a timeframe for performing the work. Commissioner Doherty agreed, both with the extended length of time Zayo has been there, and with the idea that permits include timeframes.

### Public Health Department Quarterly Report

As Director Sheree Smith was unable to attend, her written report was reviewed.

### **Correspondence**

- Notice from the Federal Aviation Administration that the aeronautical study of the project at the airport in Lexington has been completed and is available to view on the FAA website.

### **Commissioner Reports**

- Commissioner Doherty said he will attend a Umatilla National Forest Collaborative meeting tomorrow on the topic of timber sales. He said County involvement is critical, especially concerning the Ellis Commercial Thin project. Commissioner Doherty said he will also meet with local Forest Service personnel in an effort to understand the proposal for new grazing allotments while many current allotments remain vacant. He said he plans to stay actively involved in these, and the other collaborative meetings that impact eastern Oregon.
- Commissioner Lindsay reported the latest development in hiring a Morrow/Umatilla County LPSCC Coordinator (Local Public Safety Coordinating Council) is that

Umatilla County chose to hire a candidate who will work for them part-time, but is not willing to travel to Morrow County. This means Morrow County needs to work with the Association of Oregon Counties, which funds the positions, to find a part-time Coordinator for Morrow County. Commissioner Lindsay also discussed meetings with the Treasurer, Veterans Services Officer, and Juvenile Director. She said she plans to be more engaged in the space issues with the Circuit Court system at the Courthouse. Regarding the lack of workforce housing, she said she spoke to lenders about how to engage economic development funds to this issue, and how to attract contractors here to build the houses. She also had a meeting to discuss the flood plain issues in south County and how to address that for the industrial area. Lastly, she said now that the Administrator has been here for a while, she would like to reengage the discussion on Finance practices, manual checks and cash handling policies.

- Chair Russell said he plans to apply for an opening on the Oregon Parks and Recreation Department's Oregon Outdoor Recreation Committee. The committee reviews and prioritizes grant applications for funding from the Federal Land and Water Conservation Fund for public outdoor recreation areas and facilities. Chair Russell also attended the retirement party for Jim Piro, outgoing Chief Executive Officer of Portland General Electric.

**Adjourned:** 12:35 p.m.