

Morrow County Board of Commissioners Meeting Minutes
June 28, 2022
Bartholomew Building Upper Conference Room
Heppner, OR 97836

Present In-Person

Chair Jim Doherty
Commissioner Melissa Lindsay
Commissioner Don Russell
Roberta Lutcher, Executive Assistant

Call to Order, Pledge of Allegiance: 10:30 a.m.

Open Agenda: None

Zoom was still muted. Unmuted. Chair Doherty advised those online that they had said the Pledge of Allegiance and asked for Open Agenda items, of which there were none.

Open Hearing/Business item

To consider dismissal or discipline of, or to hear charges or complaints against an officer, employee, staff member or agent.

Chair Doherty reviewed some Ground Rules:

The Morrow County Board of Commissioners is considering the employment of County Administrator Darrell Green. The purpose of this meeting, which Mr. Green asked to be in public session, is to give Mr. Green an opportunity to share with the Board any additional facts that he believes the Board should take into consideration. Mr. Green can make those statements verbally or he can provide a written statement. The Board of Commissioners do not speak publicly about personnel matters, so the Commissioners will not be making any public statements, other than potentially asking Mr. Green for clarification if necessary. If anyone would like to submit a written statement, it can be added to the record, however, the only thing that will be considered today is the statement from Mr. Green.

Darrell Green

Mr. Green said he appreciates the opportunity to come before the Board. He brought information for the Commissioners to consider before they make a decision about his future employment with Morrow County.

Mr. Green stated he has concerns about how and why the recent investigation was conducted. Not going to go into that, just make that statement.

Based on the interview with the investigating attorney, Mr. Green understands that he may have violated the Nepotism Agreement when he had a conversation with Naz on August 4th. It is also his understanding that Naz went to the HR Director on August 5th to lodge a complaint based on that conversation.

Mr. Green was surprised that information about the complaint was not brought to him earlier. If Naz did lodge a complaint, why was Mr. Green not notified of the complaint at that time?

The Board of Commissioners brought Mr. Green in to Executive Session on May 5th under ORS 192.660 (2)(i) To review and evaluate employment-related performance of the chief executive officer of any public body, a public officer, or staff member who does not request an open hearing. This happened after the HR Director did an investigation and a disciplinary meeting with Deb Green. The feedback that Mr. Green received in that Executive Session was that the Board of Commissioners was going to update all Nepotism Agreements.

Mr. Green's question is wouldn't the complaint that was lodged against him trigger an Executive Session to discuss his performance at the end of August, if that is when the complaint was lodged.

Mr. Green asked Commissioner Russell: You were the Chair last year. Were you notified about this complaint?

Commissioner Russell responded that he was not. When we agreed to hire the investigator, Commissioner Russell thought it was to investigate allegations lodged by an employee in the Health Department about not following the rules about certain grants. On the advice of counsels, the Board was asked to notify Mr. Green and Naz that their annual reviews were being postponed until the investigation was complete. Commissioner Russell remembers talking to Mr. Green and Naz and explaining that Commissioner Russell thought we were doing this investigation to see if we were outside the lines on this, and if we were, we need to get back inside the lines. If we were already inside the lines, we would inform the employee that they were mistaken and we were doing things correctly.

Mr. Green asked Chair Doherty if he was notified of the complaint in August? Chair Doherty said that on the advice of CIS and Labor Counsel he will not be taking or responding to any questions.

Mr. Green asked Commissioner Lindsay the same question. Commissioner Lindsay said the advice was pretty clear from Counsel that the Commissioners weren't supposed to engage in that area.

Mr. Green asked the HR Director if a complaint was lodged against him on August 5th. Lindsay Grogan, Human Resources Director explained that the purpose of the meeting is to hear Mr. Green's statement.

Mr. Green said that nobody will tell him if there was a complaint filed from his August conversation with Naz and Mr. Green is struggling with why he is sitting here.

Mr. Green said if the Commissioners were advised of the complaint, why was there not an Executive Session to have this conversation.

Commissioner Russell said he was the Chair last year and he was not made aware of any allegations of impropriety on Mr. Green's part. If others had that information it seems like we would have called an Executive Session and had a conversation.

Mr. Green said he has had no communication from anybody about what has happened to trigger that he has violated the Nepotism Agreement. If there was, there should have been an Executive Session then.

Mr. Green brought the same ORS Executive Session on August 24th and then on September 15th to discuss his performance as he was experiencing some health issues as a result of workplace stress that was going on at the time. If a complaint had been lodged against Mr. Green, this would have been a great opportunity to discuss that complaint.

Mr. Green said his past training is to address performance issues in a timely manner. Usually a reasonable outcome is possible. It also allows the person to correct their performance. Mr. Green said he has had no previous verbal or written warnings with Morrow County, BMCC or any previous employer. Based on that and the lack of communication or information, Mr. Green is asking the Board to consider the information he has provided prior to the Board making a decision about his employment.

Chair Doherty confirmed that was the extent of Mr. Green's comments.

Chair Doherty moved to terminate the employment of Darrell Green effective immediately for the reasons listed in the May 25, 2022 letter sent to him by attorney Bruce Bischof. Commissioner Lindsay seconded.

Commissioner Russell requested discussion. He said the Commissioners have been provided a summary report and very brief written summary. Commissioner Russell was approached by an employee and strongly suggested he listen to the interviews. The employee believed the questions were leading and there were already an answer looking for a narrative to support it. Commissioner Russell has asked for the information multiple times, both in writing and verbally, and has been denied every time. Commissioner Russell said he can not make the decision without the information.

Commissioner Lindsay has nothing else to add.

Chair Doherty called for a vote. Chair Doherty Aye. Commissioner Lindsay Aye. Commissioner Russell No. Motion carries 2-1.

Adjourn 10:41 a.m.