

**Morrow County Court**  
**April 8, 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  
Roberta Lutcher, Court Executive Assistant

Judge Tallman called the meeting to order at 9:02 a.m.

**City and Citizen Comments – Irrigon**

Aaron Palmquist, Irrigon City Manager, said it's nearing budget time for the City of Irrigon and they are moving in a positive direction. He said things have stabilized relative to water and sewer and general government funds are still going down. The Irrigon Branch of the Oregon Trail Library District has opened but the conference room remains unavailable until furnishings have been acquired. Mr. Palmquist said the City of Irrigon continues to pursue the Block Grant eligibility process started last summer in the hope of getting out of debt. The Block Grant could mean \$3,000,000-4,000,000 for the City but that process will take a few more years.

**Department Report**

Public Health Update

Sheree Smith, Public Health Director

Ms. Smith discussed the following:

- Maternity Case Management (MCM) Program – Morrow and Umatilla Counties have been chosen for an MCM pilot project by the Eastern Oregon Coordinated Care Organization (EOCCO). A proposal has been submitted for the program to start July 1<sup>st</sup>, but neither a contract nor a memorandum of understanding has been received. Ms. Smith said the EOCCO is firm in their amount of \$36,558 for Morrow County to serve 12 Nurse Family Partnership clients and six MCM clients. All participants are required to be on the Oregon Health Plan. After discussion, Ms. Smith and the Commissioners agreed she should use an estimate of two-thirds of the anticipated amount for budgeting purposes.
- Nurse Family Partnership (NFP) – this program is for first time mothers and is based on a grant received four years ago which will end June 30, 2015. She said the annual fee for the program is \$19,598, which will be covered by the \$36,558 received for the MCM Program. Ms. Wolff said this will have no change in personnel, just shifting funds around; Ms. Smith replied, “Correct.”

- Ms. Smith said, with the Commissioners' permission, she would like to write in her budget an increase to the Translator position from 10 hours per week to 16; the Commissioners agreed.
- Ms. Smith asked if Public Health could have a Crown Victoria which is being rotated out of use by the Sheriff's Office. Commissioner Rea asked if Public Health needed an additional vehicle; Ms. Smith said yes. Commissioner Rea said she would agree to the request but would like the County to eliminate all Crown Vics because they are getting old and becoming expensive to maintain. She said she would like Public Health to request a newer vehicle in the next fiscal year. Ms. Wolff explained the County anticipates the receipt of two new vehicles, a Chevrolet Malibu and a Ford Fusion, and suggested Ms. Smith look at them when they arrive. She added the Ford Fusion is a motor pool vehicle, which is always an option for Public Health, since it is used on a sign-up basis by multiple departments.
- Ms. Smith said the Regional Community Advisory Council sent a letter to the Coordinate Care Organization requesting the 12 participating counties in the EOCCO receive a higher percentage of the monies returned to the counties for meeting certain health goals. Most recently, each county received \$3,000 of the \$1.3 million amount and next year's amount is anticipated to be \$6.5 million.

## **New Business**

### County Counsel Services

Justin Nelson, District Attorney/Interim County Counsel

Mr. Nelson discussed various projects which have been keeping him busy these last few weeks as Interim County Counsel. Judge Tallman asked Mr. Nelson the status of the property in Boardman owned by the County with a privately owned mobile home on it; Mr. Nelson said he is working on it. Mr. Gorman said he believes the owner may have been deported. Discussion ensued. Judge Tallman said we want this property taken care of, it's been long enough and we want to get it sold. Mr. Nelson said once the mobile home is removed, the property will need to be cleaned up before it can be sold. Judge Tallman said we've had to do it before, and Commissioner Rea said the property before this was much worse because drug manufacturing occurred on the property.

## **Contracts**

### Janitorial Services

Mr. Nelson said minor corrections and updates have been made to the contract and he thinks it's fine now. When the new Administration Building is completed, a separate contract for cleaning will be needed and Mr. Nelson recommended that building be on a month-to-month basis until this contract expires in April 2016.

Commissioner Rea said when the contract is revisited next year, please consolidate the Morrow County Sheriff's Office and Morrow County Emergency Management Office so they are listed as one location and are cleaned on the same day.

*Commissioner Rea moved to approve the Janitorial Services Contract with Hermiston Cleaning Services, as outlined in the contract, for a one year period beginning April 8, 2015 and ending April 8, 2016. Commissioner Russell seconded. Unanimous approval.*

Blue Mountain Community College – Bond Presentation

Camille Preus, President, BMCC

Louis Carlson, Heppner

Chris Brown, Heppner

Ann Morter, Morrow County Coordinator for BMCC

Ms. Preus thanked the Court for time on today's agenda to provide information on the BMCC Capital Improvement Bond in the May 19<sup>th</sup> general election for Morrow and Umatilla Counties. Ms. Preus discussed the three goals of the bond and the associated projects to meet those goals:

1. Affordable education and family wage jobs
  - Precision Irrigated Agriculture Building adjacent to the Hermiston Agriculture Research & Extension Center
  - Workforce Training & Early Learning Center in Boardman
  - Instructional Equipment for various programs
2. Safe and secure learning environment
  - Upgrade safety and security lighting & surveillance
  - Replace deteriorated sidewalks and handrails
  - Upgrade Emergency Access Road
  - Expand Information Technology
3. Protect our community investment
  - Various needed upgrades to current facilities

Mr. Brown said the proposed Workforce Training Center is tailored to meet the needs of businesses located at the Port of Morrow and may be a little harder to sell in the south end of the County, and the Early Learning Center is a unique opportunity for the children in that area of the County. Commissioner Russell said the Port has seen growth with data centers and there is continued interest in eastern Oregon for data centers. If we can train local people to take these jobs, it's a win-win, he said. Commissioner Rea commented, if we train our local people in-county, they will live in Morrow County.

County Counsel Services, continued

Mr. Nelson

Rick Worden, Finance Director

Mr. Nelson said the one month agreement to provide County Counsel services expires April 15<sup>th</sup>, therefore, he is offering a contract extension from April 16-July 15, 2015. He said he and Deputy District Attorney, Richard Tovey came to the conclusion the only way this will work is if both of them are doing the work in both ends of the County. This extension will allow time for both attorneys and the County to determine if this arrangement is satisfactory. Mr. Nelson also said it gives the County time to pursue proposals from outside law firms.

Discussion took place as to the appropriate mechanism to pay for the services provided by Mr. Nelson and Mr. Tovey. Mr. Worden said the appropriate way to pay is through payroll. He continued, Mr. Nelson is paid by the State of Oregon and is probably not wanting additional insurance coverage, but he would have to read our Retirement Plan to see if the County is obligated to offer the retirement option for him. Mr. Tovey's payment is additional salary because he is already a County employee.

Commissioner Rea said Mr. Nelson's first contract was for \$3,500 a month and the new proposal is \$4,600 per month – was the increase based on the amount of work? Mr. Nelson said the \$3,500 was a low estimate and he increased the amount after looking at the workload for two people. We can decide again in three months after going through the ebb and flow of the work, he said. Discussion ensued.

*Commissioner Rea moved to approve the offer provided by Justin Nelson, Morrow County District Attorney, to continue acting as County Counsel from April 16 to July 15, 2015, at the rate of \$4,600 per month to be split evenly between Richard Tovey and Justin Nelson. Commissioner Russell seconded. Unanimous approval.*

### **Claims**

Ms. Wolff said there is an Add-on request from the DA's Office. Mr. Nelson explained a number of people signed up to attend a Child Abuse Summit, but several are now unable to attend. The entity conducting the conference offered to return the original check for registration fees if the County could send a check for the corrected amount.

*Commissioner Rea moved to approve the Payroll Payables, Immediate & Electronic, HRA VEBA, dated March 5, 2015; Payroll Payables, Immediate & Electronic, dated March 24, 2015 and April 1, 2015; April 2015 Retirement Taxes, dated April 8, 2015; and Accounts Payable, dated April 9, 2015, in the amount of \$561,134.70, which includes the Add-on amount of \$3,160. Commissioner Russell seconded. Unanimous approval.*

### **Special Transportation Update**

Aaron Palmquist, Chair, Morrow County Special Transportation Fund Advisory Committee (MC-STF)

Mr. Palmquist said ODOT (Oregon Department of Transportation) Special Transportation could have \$160,000 for the biennium budget cycle for Morrow County, but the Committee needs Court approval to submit the application for that amount.

*On the recommendation of MC-STF, Commissioner Rea moved to approve the proposed budget for the biennium of \$160,000. Commissioner Russell seconded. Unanimous approval.*

Mr. Palmquist said he had two requests of the Court –

1. To have representatives from MC-STF take part in the review of applications received for the STF Coordinator position, and
2. To have Dan Brosnan and Sheryll Bates be a part of the hiring team.

After discussion, the Commissioners said since the final hiring decision still rests with the Department Head, they would be agreeable to Committee members being a part of the review process.

Mr. Palmquist said the Committee has come to the conclusion they cannot offer paid driver positions at this time – the County can't get there financially. The Committee offered another alternative as an incentive for volunteers – a \$20 allowance per day and there is \$10,000 in the budget for those contracted services, he said.

The MC-STF is looking at June 6<sup>th</sup> or 7<sup>th</sup> as possible dates to honor Special Transportation volunteers county-wide with an appreciation luncheon, said Mr. Palmquist.

**Recessed for lunch – 12:16 p.m.**

**Reconvened - 1:30 p.m.**

### **Public Hearing**

Appeal of Planning Commission Decision for Conditional Use Permit CUP-N-315

#### **Present**

Judge Tallman

Commissioner Rea

Commissioner Russell

Ms. Wolff

Mr. Nelson

Mr. Gorman

Carla McLane, Planning Director

Bill Kabeiseman, Attorney for Love's Travel Stops & Country Stores, Inc.

Frank Ille, Manager of Development, Love's

Leslie Hauer, Land Use Consultant for Love's

Mike Connors, Attorney for Devin Oil

Karen Pettigrew, City Manager, Boardman

Lee Docken

Ms. Lutcher

Judge Tallman opened the Public Hearing at 1:31 p.m. and reminded attendees to sign-in. After reading the pertinent information specific to this hearing, he called for abstentions, conflicts of interest, or ex parte contact.

Commissioner Russell said he believed he had a conflict of interest because he has a contractual agreement with Devin Oil which precludes him from participating.

Both Commissioner Rea and Judge Tallman expressed no conflicts of interest.

The procedure for the hearing was outlined as 20 minutes for each party (Mr. Kabeiseman and Mr. Connors) and then 10 minutes for rebuttal by the applicant (Mr. Kabeiseman).

Mr. Kabiesman said he will be brief and asked if the unused time could be added to his rebuttal to address any new issues Mr. Connors may raise.

At this point, Mr. Nelson introduced himself and explained he is filling in for Ryan Swinburnson, who in the past represented the County in this case, but is unavailable today.

Judge Tallman asked Ms. McLane to present the Staff Report.

Ms. McLane made the following statement:

We're all familiar with this project, going back to late 2008 or early 2009. The last action before the County Court was the appeal of the Site Plan Review and it was determined by the Commissioners, and upheld by the Land Use Board of Appeals (LUBA), that the Conditional Use Permit (CUP) Application that was previously held had expired. The County Court's condition of approval was to obtain a CUP, which is on appeal. Love's has approval from the Planning Commission in a decision issued February 24, 2015.

Ms. McLane briefly reviewed the contents of the information packets provided for the Commissioners.

Mr. Kabiesman said the following:

With me today are Frank Ille from Love's, and Leslie Hauer, Planning Consultant. As Ms. McLane summarized, this is not the first time the Commissioners have seen this matter. They approved the Partition, the Exception, the Zone Change, the Comprehensive Plan Change and the Site Plan. The Planning Commission approved, the Commissioners approved, the Court of Appeals and LUBA, as well. We're back before the County Court because the CUP expired and we are asking the Court to approve the CUP again – nothing has changed. We need the CUP for two reasons – the Airport Approach Overlay Zone (AA) covers part of this property, and the permit for Retail/Wholesale Trade Facilities...Mr. Ille will talk about what Love's will bring to the community.

Mr. Ille said the following:

We're planning on building a travel center to offer gas and diesel. The center will house a Carl's Jr. fast food restaurant, showers for drivers, and will sell the usual convenience store goods. This project includes a \$9,000,000-11,000,000 investment on our part and 75% of the construction contracts are bid and let locally by our general contractor, which hasn't been chosen yet for this project. The only thing remaining for our due diligence, besides this CUP approval, is drilling of the water well, which is taking place now and should be completed by the end of April. At that time, testing for contaminants will take place and we will wait on approval from the State for the well. We've received all other applications from the State and County. This project will provide 60-80 new jobs in the area and there will be the obvious property tax enhancements when the site is developed. The travel center will be open 365 days a year, 24 hours a day and as of tomorrow, we'll have 341 locations in 40 states. Love's is a 50-year-old business based in Oklahoma City and is privately held, and family owned, with three of the family members in executive roles.

Mr. Connors stated:

Devin Oil is opposed to the application. We've tried to focus our comments on specific zoning criteria the applicant can't satisfy, or failed to adequately satisfy, based on the record before you.

These are the points outlined in the letter Mr. Connors distributed at the hearing and discussed:

1. The proposed travel center is not allowed in the Tourist Commercial Zone (TC) because the most significant components of the project are not enclosed within a building.
2. The Airport Approach Overlay Zone (AA) restrictions apply to the proposed travel center.
3. The proposed travel center is subject to the Airport Hazard Zone (AH) requirements in MCZO 3.091.
4. Love's must demonstrate compliance with the Boardman Airport Layout Plan (ALP).
5. Love's own traffic engineer confirmed that the 2009 Traffic Impact Study (TIS) is outdated and flawed.
6. Love's failed to adequately address MCZO 3.090(H).
7. Love's claim that the County Court's previous conditions of approval have either been satisfied or covered by the Site Plan Approval is false.
8. The alleged extension of the Site Plan Approval is invalid.
9. Lastly, the County's approval had eight conditions of the application and this application only includes one condition of approval. Some are important because they relate to the Transportation Impact mitigation measures with which they were required to comply. Love's response was that those conditions don't matter because they are part of the Site Plan Review approval or they have already met compliance. Our letter demonstrates that's not true, they did with one but not the others...how can they comply when construction hasn't commenced?

Judge Tallman called for testimony from proponents -no response; opponents - no response. He said we'll move on to rebuttal.

Mr. Kabeiseman said the Court heard a lot of creative information, but with the same purpose – to seek to delay construction and investment in this community. He then responded to the issues raised by Mr. Connors.

- Whether or not this is allowed in TC and AA Zones, comes down to a difference in the way the zones operate. They were adopted at different times and LUBA noted they aren't congruent in their language. We have an auto-oriented and retail/gift shop outlet, a travel center, which is an auto-oriented use and it identifies for use outside of buildings. Mr. Connors said it has to be enclosed within the building because it ties back to the AA Zone. Rather than identify 200 uses, they do instead say we allow conditionally retail/wholesale trade use facilities.
- AA Zone – No meeting place for more than 25 people – Love's says if you have a store with more than 25 people, you can't do it. This doesn't make sense. The better way to interpret this is to ask what did the County mean by a "meeting place" when the zone was adopted – a theater or something where large groups of people meet? A retail space is not a meeting place.

- Devin's letter refers to the area attracting large amounts of birds to standing water. Storm water run-off doesn't stay on the surface very long, it goes into the ground and won't attract birds.
- Airport Hazard Zone – it's been clear in all applications submitted there won't be above-ground storage of flammable liquid, it's all below ground.
- Demonstrate compliance with AA Zone – this is not the first time hearing this, it's the same argument used in 2010...it's five years later and they still haven't identified anything.
- Traffic – the Commissioners live in this County and know if there are transportation problems...you know what happens on Tower Road and I-84. Devin's attorney is asking the Court to pay more attention to a private email from the traffic engineer than what he said publicly and signed his name to and put his reputation behind. The engineer says the traffic increased slightly and the study is still valid. Transportation issues aren't a concern. It's the same with Aviation Compatibility Guidelines, they haven't identified any.
- Extension of the Site Plan – Morrow County Code has one type of permit that allows for a one year extension of the Site Plan Application and that's what we did here. It was submitted on time...the County authorized to extend that, we did the right thing.

Judge Tallman asked if there is any reason to have a continuance; Ms. McLane said it has not been requested. He closed the hearing at 2:20 p.m. and said it is time for deliberation.

Commissioner Rea asked County Staff a question regarding the conditions of approval from the Planning Commission meeting of February 24, 2015 - was the primary reason the additional conditions that had been placed in their prior process were not listed, was because they were met in another venue?

Ms. McLane said, yes, going back through the history, the first approval had eight conditions. When it came back through the second time, the County Court's approval document had a singular condition of approval. The other seven conditions showed compliance through the Site Plan Review process. One was regarding building height, those kinds of things. Has Love's started construction yet? No, but they have shown a document and they can meet the requirement. Commissioner Rea asked, wasn't one about drilling a well to prove there is water there? Ms. McLane said, yes, to show Love's complied with all necessary State and Local permits and they've provided copies in every case.

Commissioner Rea said it's her belief every one of the issues raised by Mr. Connors, has been refuted or rebutted to her satisfaction. She said the one that concerns her relates to whether or not the County Court can interpret information provided to us. Ms. McLane said this is regarding the public assembly requirement and the County Court did have a thorough discussion on this, and LUBA and the Court of Appeals affirmed those decisions. Commissioner Rea said this is a non-issue.

Commissioner Rea said the issues are not with the traffic interchange and are not within reach of this piece of property, but are two to three miles farther south where speeding is an issue. In



concluding her comments, she said she's seen nor heard nothing, to date, that would make her want to veer away from the decision made by the Planning Commission.

Ms. McLane said she would encourage the Court to direct staff to write additional findings that would elaborate on the nine assignments of error brought forward, and staff is prepared to do so.

Judge Tallman said with what was presented today, he'd agree with Commissioner Rea. There's been nothing new presented...the only reason he and Commissioner Ken Grieb voted last time was because of the time lapse and that application was void. This new application takes care of that void and all of the reasons LUBA gave for saying Morrow County was in compliance are still valid today. He said he'd conclude by thanking the Planning Commission for their time spent and we concur with their decision.

Judge Tallman asked if the nine conditions or assignments of error demand to be addressed by the Court. Ms. McLane said to have a solid decision, the Court needs to respond to show nine items in your decision with substantial findings and you should direct staff to adopt findings which support that.

Commissioner Rea asked Ms. McLane if in her view, has the Court not addressed any one of the nine specifically enough to enable you to prepare Findings of Fact regarding the nine items? Ms. McLane said the Court's deliberation tells her they have faith in Love's application and statements and she can provide adequate information from which to draw. She said the one issue Mr. Connors brings up, the extension of the Site Plan...code does allow for an extension and that's the mechanism under which the extension was granted...the in force document is the Zoning Permit. Judge Tallman stated the current process is valid. Ms. McLane said Planning would find it to be so.

Judge Tallman said if the County Court followed the logic presented in Mr. Connors' letter and the nine objections, there wouldn't be very many places in the AA Zone or in a place like what is being proposed here, where any truck stops we have today would be allowed in the whole State of Oregon; I find that to be incomprehensible. We've got all these facilities around the State of Oregon and all we are doing is following what others are doing, whether it's in an AA Zone or TC Zone. He said he has great difficulty saying Morrow County shouldn't allow this.

Ms. McLane said she and Mr. Swinburnson will draft a Final Findings document and return next week.

Mr. Nelson offered the following – to help encompass things, one comment for the Planning Department Director...The County Court finds the arguments of the applicant persuasive, both oral and submissions, then direct the Planning Department to make Findings of Fact based on those persuasive arguments.

*Commissioner Rea moved to approve the recommendation of the Planning Commission from their February 24, 2015 meeting (CUP-N-315) and direct staff to assist in preparation of the Findings of Fact, and in that to respond to the nine items outlined in the document prepared by Michael Connors, and bring the document forth to the County Court for action at a later date,*

*preferably April 15, 2015. Judge Tallman seconded. Aye: Judge Tallman and Commissioner Rea. Abstained: Commissioner Russell.*

## **New Business**

### Request from Sheriff's Office to Temporarily Increase Credit Card Limit

Ms. Wolff said she just received a request from the Sheriff's Office to temporarily increase the limit on two Visa cards – one for the Sheriff's Office and one for Probation and Parole (P&P). She said in the past, we directed other offices to get checks in advance for hotels and leave the credit limit open for other expenses. She said she is asking for policy direction and Finance Director, Rick Worden, is currently working to assist the Sheriff's Office since they want a decision now. The Commissioners asked Ms. Wolff to find out the current limit on these cards and decided to momentarily postpone the discussion until this is known.

### Invoice from Association of Oregon Counties (AOC)

Ms. Wolff said the invoice for annual dues includes a voluntary amount for the AOC Veterans Fund of \$254.75. Ms. Wolff said she contacted Veterans Representative, Linda Skendzel to see if she thinks this would be of value to the County. Ms. Skendzel told Ms. Wolff most of this money is spent in western Oregon so she doesn't see the value in it, at this time, but has no objection if the Court decides to pay it. Discussion. Ms. Wolff said she will process the amount of \$9,040.51, which excludes the voluntary Veterans Fund Dues amount.

*Commissioner Rea moved to approve paying the AOC Invoice #2015 AOC, for the period of January 1-December 31, 2015 and not include the voluntary dues for the Veterans Fund. Commissioner Russell seconded. Unanimous approval.*

### Sheriff's Office Request, continued

Mr. Worden joined by telephone conference and said the Sheriff's Office account has an \$11,000 limit and nine cards associated with it. The account for P&P has a limit of \$1,500 with three cards. Ms. Wolff said the request is to raise the Sheriff's Office limit by \$2,500 and P&P by \$1,500. She explained the increased limit is only good for 10 days and costs \$10. The cards also have to be paid down below the standing credit limit within 10 days.

Commissioner Russell said this is a last minute request but we don't have much choice otherwise it becomes an inconvenience for the people attending the training. They will be on County business and we shouldn't expect employees to front the County's expenses.

Ms. Wolff said she has the authority to grant an increase on a temporary basis but this is an ongoing situation so she is asking for policy direction.

Commissioner Rea said she'd be in favor of a permanent increase on the P&P cards; Judge Tallman agreed, but said \$11,000 seems like quite a bit. Commissioner Rea said we have to do a temporary increase now, but the Sheriff's Office needs to be told.

*Commissioner Rea moved to approve an increase to the Visa card limit for Probation and Parole to \$3,000 on a permanent basis, and authorize a 10-day temporary extension on the Sheriff's Office cards by \$2,500. Commissioner Russell seconded. Unanimous approval.*

Discussion continued and Judge Tallman said he would contact Undersheriff Steve Myren about more fiscal management for the cards.

### New Administration Building

#### Baby Changing Tables –

Ms. Wolff said the Commissioners need to decide whether or not to install Baby Changing Tables in the restrooms of the new Administration Building. There is only room for the tables in the handicap stall and they are not a requirement. By consensus, the Commissioners agreed to install one Baby Changing Table in each of the men's and women's restrooms located on the main floor, for a total of two.

#### Utility Pole Placement –

Ms. Wolff said when a retaining wall is removed on the construction site, it will undermine a utility pole, which will have to be reset. Columbia Basin Electric Co-Op said they'd like to move to underground access and offered to pay 60%, leaving 40% to be paid by the County. Ms. Wolff said the 40% comes to \$3,000 and when electrician expenses are added to that, it brings the total to \$12,000. She said the cost to reset the pole would exceed \$12,000 so she told CBEC to proceed with the underground placement. The Commissioners were in agreement with this decision.

### Proposal to Add Administrative Officer Position

Ms. Wolff said she has revised the job descriptions for the Administrative Officer (AO) and Human Resources Director (HR) and lowered the wage recommendations. She asked the Court how it would like to move forward.

Commissioner Russell said he's talked to people in the community who think this is the direction the County needs to move toward because it continues to grow...and doesn't appear to be slowing down.

Ms. Wolff said after contacting County Labor Counsel, Bruce Bishof, she learned the County will not be required to advertise the HR position because it's a ministerial title change from Executive Secretary/Personnel Director to HR Director. She said the next question is from Mr. Worden, who needs to know for budgeting purposes, if this is a promotion or a reclassification. Discussion ensued. The Commissioners agreed by consensus to treat this as a reclassification.

Ms. Wolff asked the Commissioners how to move forward regarding the job description for the HR Director. Commissioner Rea asked Ms. Wolff if she would be updating the Personnel Manual if she becomes HR Director. Ms. Wolff said yes, she would, and job descriptions as well. Commissioner Russell said the Port of Morrow recently updated its policy manual and she could ask to review that document. She said she would look at all examples. Commissioner Rea said it would be helpful to contact the Bank of Eastern Oregon, Morrow County Health District and Columbia Basin Electric Co-Op for their HR Director job descriptions before we take formal action on this. Ms. Wolff said she would also contact other counties. Commissioner Rea added it might save time in the long-run if we've done comparisons. Ms. Wolff asked the Commissioners if they want to move forward with the HR position; they replied, yes. She then

asked about the AO position, or will those duties be absorbed by someone else? Commissioner Russell asked if the County has money in the budget to create another position. Ms. Wolff said that is the next question, how do you choose to fund this, it's presently a well-paid position. She then mentioned she received a response from LGPI (Local Government Personnel Institute) regarding the sheriff versus undersheriff wage (sheriff wage is required by Statute to be the highest in that department). LGPI said the County has to include everything paid to the undersheriff, including his Emergency Management wage, when calculating his total wage. She continued, we'll need to look at removing some duties from the undersheriff to bring that wage back down; he's pretty high up on the Step Scale and the sheriff has to be higher. She said she hasn't gotten a recommendation back from the Compensation Committee, but we don't have much of a choice on what to do, but Statute doesn't say how much more the sheriff has to make. Commissioner Russell asked how the undersheriff wage compares in the three counties larger and smaller, by population. Commissioner Rea said if she remembers, he's near the top. Ms. Wolff said using 2013 numbers, the sheriff was paid \$75,000 in Morrow County and the average of seven counties, including us, was \$74,500. Commissioner Rea said we should start developing one of the undersheriff's alternates into the Emergency Management duties, but it's hard to fathom him not being in that position with his amount of knowledge. Judge Tallman asked what the undersheriff is paid; Ms. Wolff said he makes \$91,000. Additional discussion took place about reallocating some of the duties of the undersheriff; Ms. Wolff said this has not yet been discussed with the sheriff or the undersheriff. There was also discussion about Emergency Management standing on its own and Commissioner Russell said this is a question we should pose to our labor attorney. Commissioner Rea said when Casey Beard did Emergency Management with CSSEP (Chemical Stockpile Emergency Preparedness Program), it had nothing to do with the Sheriff's Office other than being housed there. Could we combine the AO position and Emergency Management, she asked. Discussion ensued.

Ms. Wolff said she has an answer from the attorney – this position performs duties that could be, or have been, severed into two positions and staffed by two people but doesn't change the fact the pay is higher than the sheriff. The opinion would be the same if Emergency Management was no longer a part of the Sheriff's Office, what matters is the sum of pay the undersheriff receives from the County, not the parts.

Mr. Nelson said he can't find any wiggle-room there. Ms. Wolff said if Emergency Management remains in the Sheriff's Office, but is staffed by someone else, she'd see no violation of the Statute. Commissioner Rea said this is why she goes back to calling on someone else in the Sheriff's Office to perform those duties. Ms. Wolff said we still don't have a recommendation back from the Compensation Committee, but after reading the attorney's opinion, maybe we don't need it, we understand what we need to do in this situation. We need to make plans going forward for next year to ratchet this down. Mr. Nelson commented the County views the undersheriff as being overloaded with duties, but he will view it as losing money.

Ms. Wolff asked if the Commissioners need any additional information to make a decision on the AO position. Judge Tallman said we need to ask Mr. Worden if we have enough money in the budget to create this position. Ms. Wolff asked, if he says "no," then what? Commissioner Rea said we can't allow things to fall through the cracks that aren't being taken care of. Judge Tallman said there are other adjustments we can make. Discussion ensued. Judge Tallman said

he wanted to have additional discussions, and he didn't think it would be looked upon favorably by the Budget Committee if this position is included in the budget.

#### Circuit Court Request to Remove Justice Court Office from Courthouse

Commissioner Rea asked Judge Tallman if he had a follow-up conversation with Circuit Court Judge Roy Blaine after Circuit Court personnel decided the Justice Court Office should move to the new Administration Building. Judge Tallman said he had not. Both Commissioner Rea and Russell agreed the Circuit Court's request is unreasonable. Judge Tallman said we won't change their view...if we end up fighting with them, we'll lose in many ways. Commissioner Russell suggested the County ask Circuit Court to rethink it because this wasn't part of the original plan for the new building. The idea of offering the Gilliam-Bisbee Building so Circuit Court could turn it into a Justice Center was mentioned again but Judge Tallman said he's already been told they want to be in the Courthouse. Mr. Nelson said it's a fine line, yes, we provide a space, but it wasn't long ago they wanted to change things to not holding court in Morrow County. They'd love to use this and say they've been forced out and then say they can only come on Thursdays and people will have to file Court documents in Hermiston. They might try to gain something...it's why you can't have a fight with Circuit Court. Judge Tallman said they'll use whatever results as an excuse for Morrow County work to take place in Umatilla County. Mr. Nelson said Judge Blaine does have an interest here and it would be good to have them come to a County Court meeting.

#### **Correspondence Reviewed:**

- Letter to the Morrow County Health District accepting their \$80,000 offer to purchase the Pioneer Annex Building, 150 Rock Street, Heppner.

*Commissioner Russell moved to approve signing the letter to the Morrow County Health District regarding the sale of the Pioneer Annex Building, 150 Rock Street, Heppner, for \$80,000. Commissioner Rea seconded. Unanimous approval.*

- Notice from Iberdrola Renewables requesting an extension of an Oregon Department of Energy permit for the Montague Wind Power Facility.
- Article to be submitted to the Heppner Gazette-Times and North Morrow Times on recycling, written by Public Works Management Assistant, Sandi Putman.
- Weed Notes for March 2015

#### **Minutes**

*Commissioner Rea moved to approve the minutes of April 1, 2015 as presented. Commissioner Russell seconded. Unanimous approval.*

#### **Commissioner Reports**

Commissioner Russell said he went to a meeting on funding ideas for the Hermiston Agricultural Research & Extension Center, where there is a suggestion to create a special taxing district to include irrigated acres. He said he and Umatilla County Commissioner George Murdock have been tasked with returning to the next meeting with tax base information.

Judge Tallman reported on the Regional Community Advisory Council meeting he attended in John Day. He said the most significant thing was the idea of dollars saved and what will happen with those dollars.

**Adjourned: 4:30 p.m.**