

Morrow County Court
May 6, 2015
Heppner, Oregon
Pioneer Annex Conference Room

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Karen Wolff, Executive Secretary/Personnel Director
Justin Nelson, District Attorney/County Counsel
Mike Gorman, Assessor/Tax Collector
Roberta Lutcher, Court Executive Secretary

Judge Tallman called the meeting to order at 8:57 a.m.

Minutes

Commissioner Rea moved to approve the minutes of April 29th, with corrections. Commissioner Russell seconded. Unanimous approval.

Claims

There is an Add-on request to the Accounts Payable from Morrow County Public Health to the Morrow County Health District for supplies and equipment related to the Ione Community Clinic totaling \$30,000.

Commissioner Rea moved to approve the Payroll Payables, Immediate & Electronic and Monthlies, both dated April 29th; and the Accounts Payable, dated May 7th in the amount of \$109,869.92, which includes the \$30,000 Add-on. Commissioner Russell seconded. Unanimous approval.

New Business – Funding Requests

Heppner High School Future Business Leaders of America (FBLA) – Funding Request

Jeannie Collins, FBLA Advisor

FBLA Students:

Caitlynn Bailey

Taylor Hamby

Erica Nelson

The students are requesting a contribution toward expenses to attend the National FBLA Conference in Chicago from June 26th - July 2nd. Ms. Bailey stated she and Ms. Hamby placed first at the State level in the Banking and Financial System competition, thus qualifying for nationals. Ms. Nelson said she placed third at State in the Agribusiness competition, which enabled her to move onto nationals. The students have raised \$2,500 toward the needed \$6,000 and have plans to approach others for support.

Commissioner Rea asked the students if they would return to the Court to share their experiences at the national conference, if the Court provides funding, to which they agreed. Commissioner Rea suggested an amount of \$500 for each student with the understanding they can return to request additional funds if their other fundraising efforts fall short.

Commissioner Rea moved to approve an allocation of \$1,500 from the Court Discretionary Fund to the three Heppner High School Future Business Leaders of America students to assist with costs associated with travelling to the FBLA National Conference in Chicago. Commissioner Russell seconded. Unanimous approval.

City of Heppner – City Hall Community Meeting Room Restroom

Kim Cutsforth, City Manager

Ms. Cutsforth began with a “housekeeping” request concerning the site for a proposed fire hall at the intersection of Riverside and Fuller Canyon Road – a previous condition was to place two 24-inch culverts for future utilities, but the City has the opportunity to buy a 36-inch culvert at a significant cost-savings. She said Columbia Basin Electric Coop General Manager, Tom Wolff, has approved of the change with the condition the County also agrees to it. Brief discussion. The Commissioners agreed by consensus to the use of the 36-inch culvert. Ms. Cutsforth said she hasn’t been through the Planning process yet, but will have this condition written up in the easement.

On other City related matters, Ms. Cutsforth said the City received a grant from the Good Shepherd Community Foundation for bike racks and six will be installed along Main Street. Heppner resident Craig Gutierrez has designed the “signature statement” bike racks reflecting our area, which is situated along the Blue Mountain Century Scenic Bikeway and popular among bicycling enthusiasts.

Ms. Cutsforth said the City of Heppner Budget was just passed by the City Budget Committee and she has turned her attention to the proposed fire hall project. An engineer has been hired and she said she plans to present draft renderings to the Heppner Rural Fire Department when asking them to join with the City of Heppner Fire Department in their efforts to promote a bond for the \$1,100,000 project.

Commissioner Rea asked Ms. Cutsforth if she has been working with the Morrow County Road Department on the Gilmore Street project. (The City and County agreed to make improvements along Gilmore Street as a condition of the City permit to construct the new Administration Building.) Ms. Cutsforth said she and Morrow County Public Works Director, Burke O’Brien will meet to discuss this now that the City’s Budget process has been completed.

Funding Request

Ms. Cutsforth explained several years ago the City asked for funding to construct a wall in City Hall which divides the office from the Community Meeting Room. At that time, she had no idea the meeting room would be so popular among the residents and other organizations requesting its use. She said the current layout means people using the meeting room have to walk through the City Hall Office to get to a restroom, which means the door between the two areas has to remain

unlocked after office hours. This is a situation the insurance company wants remedied, said Ms. Cutsforth. To convert an area used for storage into a unisex bathroom would cost about \$9,000 and Ms. Cutsforth said the insurance company will assist with \$3,400 and she may be able to receive a grant for \$1,000. The City will participate with maintenance and in-kind work and she said her request is \$4,000 from the Court. The Commissioners discussed the fact that the Community Room has been used quite often by various County Departments at no cost; Ms. Cutsforth said no one is charged to use the room and that was always the intent. Judge Tallman said things will change when the new Administration Building opens with two conference rooms, but that doesn't diminish the need to change the restroom situation at City Hall.

Commissioner Russell moved to approve the grant request from the City of Heppner for \$4,000 from the Court Discretionary Fund to help pay for the restroom for the Community Meeting Room at City Hall. Commissioner Rea seconded. Unanimous approval.

Department Report

Road Report

Burke O'Brien, Public Works Director

Matt Scrivner, Assistant Road Master

The following Road Report was provided:

- Road grading is taking place on Blake Ranch Road and then will move to the 21 Road and Shaw Grade. Tupper Lane and Board Creek will be worked on when a blade is available. All other spring blading in the County has been completed.
- Three employees attended a chip seal class in Pasco provided by the Washington State Department of Transportation. Mr. Scrivner attended a Supervisor Boot Camp one day training in Bend.
- A 24" grinder was rented to grind out and install cold-mix patches on roads in the County, including: Pole Line Road, Tower Road, Baseline Lane, Social Ridge Lane and Kilkenny Road. This process will continue on other roads, as time allows. A Durapatcher patching system was borrowed from Gilliam County for a few days, with moderate success. Another company's patching system will be demonstrated next week.
- Butter Creek – crew started work at Highway 207 headed south toward Pine City to slope banks, improve ditches and build shoulders on the three mile section of road that will be paved later this summer. Just over one mile of this project has been completed and work will resume in a few weeks.
- Coal Mine Hill and Willow Creek Road have been broom swept and other intersections will be completed when time permits.
- Ione-Gooseberry Road – An RM500 Grinder was rented to start the reclaim process on Ione-Gooseberry and Liberty School Roads. Nearly seven miles of road have been ground, ditches reshaped and a profile established. The grinding process should last two more weeks and the rocking portion should be completed in about four weeks.

Mr. O'Brien reported he recently attended the National Association of County Engineers and Surveyors Conference where road reclamation like what is taking place on Ione-Gooseberry was a popular topic, taking up one and a half days of the conference.

New Business

GN Northern, Inc. Change Order

GN Northern provides Consulting Engineer and Environmental Scientist services and construction materials testing related to the construction of the new Administration Building. The following is an excerpt from GN's memo:

"We request that our contract for special inspections and testing services be amended to \$24,000. We have billed \$19,499.66 through the end of March. This change order will cover items that were beyond our original scope of inspection services, i.e., steel fab shop inspections, damp proofing inspections, and geotechnical engineer's time during the construction phase which were not anticipated when preparing our budget estimate. This amendment will provide sufficient funds to complete our inspections through project completion."

Commissioner Russell asked if the County changed something to warrant the additional inspections; Judge Tallman said not that he's aware of. Discussion. Ms. Wolff said GN stated these additional inspections were not included in the specifications that were bid out. Commissioner Russell asked who should have known about that. Ms. Wolff replied that's a good question, was it Wenaha Group or the architect who didn't bid correctly? The Commissioners agreed further inquiry is in order. Commissioner Russell said he will participate in the next weekly telephone conference with the participants in the building project. Judge Tallman said he'd also like to know where the "contingency" money for the project stands.

Department Report

Sheriff's Office

Sheriff Ken Matlack

Sheriff Matlack's report included:

- The Sheriff's Office responded to motor vehicle accidents on April 15th, 16th and 22nd, one involved a road rage incident, another a semi-truck on its side, and another a fatal accident outside Lexington.
- Calls related to animals involved two pit bulls attempting to attack a child; owner Anthony David Martinez cited. A calf fell into a canal and was successfully retrieved by Sheriff's Office personnel. A cougar sighting reported outside Heppner but Sheriff's Office personnel were unable to locate it.
- Two vehicles reported as stolen.
- A body found at the Umatilla Wildlife Refuge, Boardman.
- Pursuit through two counties on April 15th – Amanda Sue Walton arrested on multiple charges.

Sheriff Matlack discussed a Morrow County Reserve Officer's involvement in the foot pursuit of a shooting suspect in Portland this week. The Reserve Officer attends school there and was nearby when a shooting occurred, at which time he pursued the suspect. The suspect got on a Max train and the Reserve Officer, with the help of a Portland Police Bureau Officer, got to the next stop and identified him. Sheriff Matlack said the Reserve Officer used extremely good judgement.

11:07 a.m. – Public Hearing – Transportation System Plan Project List Amendment

Carla McLane, Planning Director
Sandi Putman, Public Works Management Assistant

Judge Tallman stated the purpose of this Public Hearing is to adopt changes to the Short Term and Long Term Project Lists and add a Bridge Deficiencies List as part of Appendix B of the Morrow County Transportation System Plan (TSP).

Judge Tallman called for abstentions or conflict of interest. Commissioner Rea: none; Commissioner Russell: none; Judge Tallman: none.

After reading aloud the pertinent information for providing testimony and evidence at a Public Hearing, Judge Tallman called for the Staff Report, at which time Ms. McLane reviewed the changes and updates.

Judge Tallman called for proponents to speak: no response; opponents: no response; those who want to express an opinion or are neutral: no response. He said since there is not a request to continue the hearing, this hearing is closed at 11:17 a.m.

On the recommendation of the Morrow County Planning Commission, Commissioner Rea moved to approve the adoption of the Amended Medium Priority Roadway System Projects and the Bridge Deficiencies List as presented, with the effective date to be July 1, 2015; and direct staff to prepare the necessary documents for signature. Commissioner Russell seconded. Unanimous approval.

Planning Update

- Boardman to Hemingway (B2H) - Ms. McLane's update consisted of details surrounding a recent Pacific Northwest Regional Infrastructure Team (PNWRIT) meeting she attended in Boise. Ms. McLane said PNWRIT is best described as a consortium of governors of the three Pacific Northwest states and their offices and the Department of Interior, which includes a number of federal agencies. She also said she learned from Margie Hoffman with Governor Kate Brown's Office that Senator Bill Hansell and the Governor's Office are working toward a meeting in Morrow County with affected landowners along the proposed transmission line route. Ms. McLane said she will find out additional information and keep the Court informed, but she estimates such a meeting will not take place until after the legislative session ends, which may mean sometime in July.
- Ms. McLane discussed the need to hold an Executive Session under the County's authority as a Cooperating Agency in the Bureau of Land Management/B2H Memorandum of Understanding. She said the County will receive the draft document with BLM's response to comments made during the public comment period, but that document is not a public document. As we work through the process with Idaho Power, in the light of day, we'll do comment response accordingly, she added.

- Ms. McLane requested permission to allow a contracted employee additional time to train a new employee. Commissioner Rea said this is the type of situation for which money in Long Range Planning was set aside; Commissioner Russell agreed.

Lunch break: 12:10 p.m.

Resumed 1:00 p.m.

New Business

Compensation Committee Process Inquiry

Gayle Gutierrez, Treasurer

Ms. Gutierrez is requesting to know why it took over eight months for Elected Officials to receive their Cost of Living Adjustment (COLA) and why Commissioner Russell was the only one who responded to her email inquiries.

Judge Tallman relayed the factors that lead to the delayed determination of COLAs for Elected Officials and said he tried to stop by Ms. Gutierrez's office on more than one occasion to discuss this. She said she didn't remember him stopping by. Commissioner Rea said somewhere in this timeframe, a Department Head/Elected Officials meeting was held and Ms. Wolff explained the other matters that had to be determined prior to the Compensation Committee meeting to discuss COLAs. Discussion. Judge Tallman said we weren't as successful as he thought we'd be, nonetheless, everyone got their money. Ms. Gutierrez said money is not the issue and she is happy with her wage but likes to adjust her deferred compensation every year, especially as she is getting closer to retirement. Judge Tallman said there were several reasons why this took as long as it did, and we're sorry it wasn't as quick as you'd like but we also had legal constraints and couldn't discuss it until we had more information. Further discussion ensued. Ms. Gutierrez said it would be nice if every year we could be notified as to what's going on with topics that affect us...and she is just asking for some open communication. Ms. Wolff said she will notify all Elected Officials when a Compensation Committee meeting is scheduled; Ms. Gutierrez said that would be wonderful. After additional discussion, Judge Tallman said we're sorry we frustrated Ms. Gutierrez but we think things are well enough in hand now and this won't be as much of an issue as it was the last two to three years. This took a much longer time to answer than we would have liked.

Morrow County Public Health Statement of Agreement to Form Contract/Agreement

Justin Nelson

Mr. Nelson explained Sheree Smith, Director, Morrow County Public Health Department, requested he review a contract provided by the State of Oregon Department of Administrative Services and after doing so, he determined a simple Statement of Agreement was in order.

Commissioner Rea moved to approve the Statement of Agreement to Form Contract/Agreement between the Morrow County Public Health Department and the Oregon Department of Administrative Services, Oregon Department of Education, Oregon Early Learning Division and Early Learning Council. Commissioner Russell seconded. Unanimous approval.

Declaration of Drought Emergency in Morrow County

Commissioner Russell said to help facilitate drafting the paperwork for Morrow County, he obtained, with permission, a copy of Umatilla County's documents in declaring their Drought Emergency.

Commissioner Russell moved to approve In the Matter of Declaring a State of Drought Emergency in Morrow County, Resolution No. R-2015-4, to be provided to the State as quickly as possible. Commissioner Rea seconded. Unanimous approval.

Intergovernmental Services Agreement Contract – Oregon Department of Revenue

This agreement is for map maintenance and related cartographic activities to be performed by the Department of Revenue for the County. Mr. Nelson said the agreement has been reviewed and there are no issues.

Commissioner Rea moved to approve Intergovernmental Services Agreement, Contract #3194 with the Department of Revenue for map maintenance and related cartographic activities. Commissioner Russell seconded. Unanimous approval.

Old Business

Administration Building Name

Judge Tallman said he spoke to the Editor of the *Heppner Gazette-Times*, David Sykes, about the fact the County hasn't settled on a name for the new building. Mr. Sykes had been in contact with Joann Green Byrd about memorable figures in Morrow County's history; she is the author of *Calamity: The Heppner Flood of 1903*. Her correspondence to Mr. Sykes mentioned Alba G. Bartholomew who was County Judge at the time of the flood and before that, he oversaw the construction of the Courthouse. He personally worked on much of the landscaping around the Courthouse. In his capacity as County Judge, he was responsible for 94 estate proceedings for victims' families. He died November 2, 1903 at 58 years of age. Judge Tallman said he'd suggest the Court look at Mr. Bartholomew's name, and a plaque will be placed near the front entrance of the new building. Commissioner Russell said Mr. Bartholomew was County Judge at the time of the worst natural disaster in the history of Oregon. The Commissioners agreed by consensus to name the new administration building after Alba G. Bartholomew.

Letter to Morrow Development Corporation (MDC)

The Commissioners reviewed the letter written by Mr. Nelson to MDC explaining they are expected to repay their \$50,000 loan from the Morrow County Equity Fund.

New Business

Special Transportation Fund (STF)

Judge Tallman asked Finance Director, Rick Worden, to provide a recap of Monday's meeting with Dave Cooley, Program Analyst with the Oregon Department of Veterans' Affairs. Mr. Worden said Mr. Cooley was able to clarify a few things in helping the County spend grant funds for veterans' Special Transportation by September 30th. We can purchase a vehicle with this grant, said Mr. Worden, and pay for vehicle maintenance if the vehicle is used to transport veterans. Mr. Cooley said paid drivers would go a long way to help the program and this grant

could help with that, explained Mr. Worden. Judge Tallman then discussed STF funds withheld by the Oregon Department of Transportation (\$55,000) that could be released to Morrow County when certain audit findings are satisfied. Commissioner Rea mentioned she will talk to someone with the Morrow County Health District to see if the District would provide the required CPR/First Aid training to STF drivers. Mr. Worden said Mr. Cooley was glad Morrow County hired an STF Coordinator (Anita Pranger) and he would look into a short term extension for counties that might not meet the September deadline. Mr. Cooley urged us to contact Wallowa County because they are doing a good job and we could duplicate their program, said Mr. Worden. Judge Tallman said Morrow County may have a shot at hiring a couple of drivers soon, but Mr. Worden said he is concerned about sustainability going forward. Various discussions ensued.

Department Report

Personnel Update

Ms. Wolff said Mr. Worden is requesting to fill an Accounting Clerk position in his office since Ms. Pranger, Accounting Technician, has taken the STF Coordinator job. The rationale behind the change from Accounting Tech to Accounting Clerk was discussed and Ms. Wolff said the union would be notified of the change.

Commissioner Rea moved to approve advertising and filling the position titled Accounting Clerk, full-time, starting at Pay Range 6 on the 2014-2015 General Employee Wage Scale. Commissioner Russell seconded. Unanimous approval.

Correspondence Reviewed:

- Letter from Morrow County Parks requesting support for the 10th Annual Youth Fishing Derby at Cutsforth Park on Saturday, June 6th.

Commissioner Rea moved to approve a \$250 contribution from the Court Discretionary Fund for the 10th Annual Youth Fishing Derby at Cutsforth Park. Commissioner Russell seconded. Unanimous approval.

- Notice of Morrow County's 2015 Wolf Depredation grant award from Oregon Department of Agriculture in the amount of \$6,375. The next Wolf Depredation Advisory Committee meeting is Tuesday, May 19th, 7:00 p.m., Pioneer Annex Conference Room, 150 Rock St., Heppner.

Personnel Update – Compensation Committee Process Review

Ms. Wolff said Mr. Gorman had to leave the meeting due to other commitments and he apologized since he requested this review take place. She asked the Commissioners if they would like her to proceed with the review or would they rather have time to read the accompanying materials. They decided to review the material and discuss in one week.

Reclassification – Justice Court Clerk II

Ms. Wolff explained the Court made an exception and allowed the Justice Court Clerk II position to be included in the Reclassification process and she now has the results of that request. Because the ability to speak Spanish was added to the job description, JobMeas™ returned with

an evaluation of Pay Range 9, said Ms. Wolff. She continued by saying the new Pay Range would be retroactive to July 1, 2014 and she would notify the employee of the results upon a recommendation by the Court.

Commissioner Rea moved to approve the 2013 Reclassification results for the Justice Court Clerk II position with the addition of the ability to speak/read/understand Spanish, thus placing the position at Pay Range 9, retroactive to July 1, 2014. Commissioner Russell seconded. Unanimous approval.

Review Human Resources Director Job Description

Ms. Wolff said, at the Court's request, she contacted other counties to see how their Human Resource Departments function and the queries showed a diverse range of answers. After discussing what is done in other counties, Ms. Wolff referred to the job descriptions for Human Resources Director, Administrative Officer #4-2 and Administrative Officer #5.2 and asked how the Commissioners would like to proceed. The Commissioners decided to study the job descriptions and discuss them next week.

Commissioner Reports

Commissioner Russell said he and Ms. McLane will attend a meeting next week in Pendleton with Senator Jeff Merkley's Field Representative; the topic will be the B2H power line. Irrigated landowners possibly affected by the route will be in attendance, he said.

Comments Prior to Executive Session

Ms. Wolff stated the Court will not be making a decision while in Executive Session.

3:21 p.m. Executive Session

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.

3:45 p.m. Closed Executive Session – No decision

Adjourned: 3:45 p.m.