

Morrow County Court
May 13, 2015
Boardman, Oregon
Port of Morrow, Riverfront Center

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Karen Wolff, Executive Secretary/Personnel Director
Richard Tovey, Assistant District Attorney/County Counsel
Roberta Lutcher, Court Executive Assistant

Audience

Mike Gorman, Assessor/Tax Collector

Judge Tallman called the meeting to order at 9:04 a.m.

City and Citizen Comments – Irrigon

No comments

Open Agenda

Ms. Wolff said she spoke with Clerk, Bobbi Childers, this morning and she is unable to attend the meeting today to discuss her letter to the Court, but the Commissioners can review it in her absence, if they wish.

New Business

Award the Request for Qualifications (RFQ) for Logging Services

Sandi Putman, Public Works Management Assistant

Ms. Putman said Public Works sent out an RFQ for logging timber at the three County Parks and two proposals were received. She explained a panel of five individuals reviewed both proposals and determined Ted Britt Logging best fit the needs of the County and County Counsel also reviewed the contract. Ms. Putman said she recommended the contract be awarded to Ted Britt Logging. She further stated the proceeds from the logging will be put in reserve in anticipation of park grant funds diminishing in the future.

Upon the recommendation of the Review Committee of the RFQ – Logging Services, Commissioner Rea moved to award the bid to Ted Britt Logging. Commissioner Russell seconded. Unanimous approval.

Approval of Timber Service Contract

Commissioner Rea moved to approve the Timber Service Contract with Ted Britt Logging, contract period of three years, beginning May 13, 2015 and ending May 12, 2018. Commissioner Russell seconded. Unanimous approval.

Grazing Agreements

Ms. Putman said the Morrow-Grant County OHV Park has entered into grazing agreements for the past 10 years to help reduce the fuel load and to generate better grass and groundcover, overall.

On the recommendation of Public Works, Commissioner Rea moved to approve the agreement between Morrow County and Horseshoe Hereford Ranch, Inc. and Triangle Ranches to graze livestock from June 1, 2015 to November 1, 2015, at an annual sum of \$4,900. Commissioner Russell seconded. Unanimous approval.

On the recommendation of Public Works, Commissioner Rea moved to approve the agreement authorized by Grant County to enter into an agreement between Morrow County and Horseshoe Hereford Ranch, Inc. and Triangle Ranches to graze livestock from June 1, 2015 to November 1, 2015, at an annual sum of \$3,793.02. Commissioner Russell seconded. Unanimous approval.

Ms. Putman noted the three County Parks opened May 8th and the owner of the grocery store in Heppner made a comment to her that business at the store was brisk over the weekend.

Department Report

Personnel Update – Compensation Committee Process Review

Ms. Wolff

Ms. Wolff said the information before the Commissioners is taken from the notebooks prepared for the Compensation Committee. She then reviewed the contents in detail for the Commissioners. After the explanation of comparing wages of elected officials to at least six other counties (three larger and three smaller, based on population) Commissioner Russell said he found it interesting how varied the budgets were for counties of similar size. Ms. Wolff said the comparison also included geographically close counties. Commissioner Russell said he has some concerns with the numbers because Lake, Harney and Baker Counties all struggle with declining populations and have natural resource based economies that have turned for the worse, but Morrow County is the opposite because it's growing in population and tax base, and has new industry. He asked if it's fair to compare a county with money to a county that doesn't just because they're the same size, but then added he doesn't know any better way to make a comparison.

Commissioner Rea said she had questioned Ms. Wolff at one point, but this method has been tested in court. Commissioner Russell said as Morrow County grows, it will eventually be compared with other counties. Ms. Wolff agreed, adding Curry County used to be a comparator for Morrow County, but has since fallen off as a comparator. Commissioner Russell noted the pay and responsibilities for commissioners varies greatly from county to county.

Mr. Gorman asked Ms. Wolff if she conducted a JobMeas™ analysis for elected officials in Morrow County. She said no. He then asked if that was a decision she made or had she been directed not to. Ms. Wolff explained elected officials have a separate JobMeas™ system which was used earlier, but hasn't been done again and it wasn't directed by the Commissioners not to

do that. Some adjustments were made but we just let it ride since then, she offered. Judge Tallman asked if that comparison was skewed or resulted in different numbers. Ms. Wolff said she would have to look since she doesn't remember. Judge Tallman said changes were being made at that time and it was unclear whether or not JobMeas™ could be trusted...but it passed a court test. Ms. Wolff said she could research past minutes. Judge Tallman said there was discussion of the results to stay where we were, it was a conscious decision.

Commissioner Rea asked Mr. Gorman if he had issues with the method and noted assessor and tax collector duties also vary from county to county. Ms. Wolff said she split those two duties out and used detailed surveys compiled by the Association of Oregon Counties (AOC). (Note: those surveys were included in the Compensation Committee notebooks and in the Commissioners' packets.)

Commissioner Russell said the AOC survey results regarding the duties and salaries of elected officials seemed most inconsistent with the treasurer position. The clerk, assessor and sheriff were much more consistent, he said. Ms. Wolff said she believes the treasurer position is elected in some counties and not in others, and the duties cover the full spectrum.

Ms. Wolff then discussed other comparisons included in the information provided to the Compensation Committee, such as longevity pay, which showed only Grant County had longevity pay, but in the geographically close comparison, some did and some didn't. Other comparisons were done by department, number of employees supervised, compensation paid to subordinates, appointed managers and number of employees those managers supervise.

She said the process with the Compensation Committee flows and she does not try to lead them. The Committee members have interesting conversations, are always professional and polite, but may not always agree with one another, she said. Continuing, she said she writes down their recommendations and drafts a memo to be approved by the Committee before it is submitted to the Commissioners.

The Commissioners agreed this has been a fair rundown of the process. Ms. Wolff said she would like to hear comments and offered to provide copies of the information covered today to other elected officials but she would need time to make additional copies.

Mr. Gorman said the reason he asked about using the JobMeas™ for elected officials is because that is what is used for employees going through the Reclassification Request process and it's been said we try to treat employees and elected officials similarly. He finished by saying the tax collector component of his job goes back to his predecessor, Greg Sweek, who took over those duties and didn't receive additional compensation.

Review Human Resources (HR) Director Job Description

Commissioner Russell said he has a question regarding:
Job Duty Outline

- I. Manage the human resource systems of Morrow County.

- E. Provide assistance, collaboration and consultation to Department Heads and supervisors.
- 3. Performance Appraisals.

Does a Department Head evaluate his or her own people, he asked. Ms. Wolff said yes. He continued, does an HR person sit in on the appraisal? No, not unless the Department Head requests it, she replied.

Commissioner Rea said she learned at a training session yesterday conducted by City/County Insurance (CIS) that evaluations should go to HR after they are performed. Ms. Wolff said if the Department Head is willing to do that, but then he or she is responsible for keeping the personnel files. She said she hasn't said the evaluations have to come to HR and it seems to be working now and she doesn't want to rock the boat. Commissioner Rea said that's fine as long as the Department Head is carrying through, but yesterday's training said if the Department Head hasn't been doing his/her job, it makes it difficult to do a dismissal; Ms. Wolff agreed. This is one reason the HR person should have the opportunity to know and to see that the evaluation has in fact been done, said Commissioner Rea. Ms. Wolff said her hope when doing HR is to work with departments on maintaining files and provide assistance, but not say they have to do this, and we will work on it together to protect Morrow County.

Judge Tallman said Andrea Denton was insistent, but there were Department Heads who said no, they didn't want to and it was a source of conflict. Ms. Wolff inherited this and it's made for some difficulties.

Commissioner Russell said he's concerned about whether or not they are really doing evaluations – is it an oral review with no documentation and later a dispute takes place between a manager and an employee and the employee claims he/she had stellar reviews but there's no documentation, or the manager says the employee wasn't good and, again, there's no documentation.

So, in essence, there's no review because there's no documentation, stated Commissioner Rea. She went on, if that position physically holds the documents, the HR Director should have the authority to go to the Department Head and see that the evaluations are signed, dated and comments made. Ms. Wolff said she thinks we can do that...but her intent is not to take over from someone who wants to do it, but she wants to make sure we're compliant.

Commissioner Rea asked Mr. Gorman for his opinion on the subject. He said he'd never had a performance review and also hasn't performed any reviews as Assessor/Tax Collector, but he expects this to change. He said he thinks the HR Director should receive copies of written performance reviews and Department Heads should work closely with HR to be on the same page for any kind of employee issues.

Judge Tallman said, in the past, when he asked an elected official about evaluations, he was told it was none of his business. Mr. Gorman quickly replied it wasn't him. Judge Tallman went on to say when we start with the new HR position, people should be told there is an expected item to happen, but it will take a policy shift for us. Or a policy enforcement, said Commissioner Rea.

She continued, an HR Director knows the rules and laws for employment and she wants to see Department Heads, elected or not, availing themselves of that expertise because they do not necessarily know the legal issues regarding employment.

Judge Tallman said he wasn't interested in knowing the details of evaluations, but is interested in having the proper documentation. The details are up to the Department Head and his/her employee and until you get everyone on the same page, it's a major item, he said.

Commissioner Russell said this was a topic at County College – the need for reviews and documentation. Commissioner Rea said after yesterday's training, the County should be able to go to a Department Head or Elected Official with staff, and say this is for the benefit of the County, this needs to be done and have it documented.

Getting back to the HR job description, Commissioner Russell said he struggles with the compensation aspect (JobMeas™ recommendation of Pay Range 23 of the 2014-2015 Reclassified Non-represented Employee Wage Scale, New Hire Step A, \$5,637 per month.). He said he is concerned because the HR Director is on level with the Public Health Director who oversees a large department with a number of employees, but the HR Director won't have people reporting directly to her. Could Ms. Wolff bring this before the Compensation Committee and gather additional information on what other counties have for HR Director job duties, he asked. Ms. Wolff said she would be happy to do so.

Judge Tallman asked about the Administrative Officer (AO) job descriptions under consideration and how the HR Director would fit in the overall picture. Commissioner Russell said there are two AO job descriptions with #4-2 having reporting positions as assigned by the Court and #5-2 having all appointed Department Heads and specific employees reporting to the AO. The second option would have the HR Director reporting to the AO and the AO reporting to the Judge and Commissioners, he explained. Discussion ensued.

Judge Tallman asked if we are going to have people who are ready to make some of these changes, and added he didn't think some management, Department Heads and Elected Officials are ready for the changes. Commissioner Russell said Elected Officials are up for review every four years and they will work in cooperation with this position, but won't report to this position. Further discussion ensued resulting in a decision to continue the conversation over the next few County Court meetings and possibly the next Long Range Planning meeting of June 3rd. The Commissioners also agreed their preference is the Administrative Officer #5-2 job description.

New Business

First Reading – Transportation System Plan Project List Amendment Adopting Ordinance
Carla McLane, Planning Director

Ms. McLane provided the first reading by title and said she will return next week for final adoption.

Request from County Clerk

Ms. Wolff said Ms. Childers couldn't attend today, but her letter requested the in-county phone list be updated. Commissioners Rea and Russell discussed what phone numbers they would like listed but said their meeting schedules are such that they cannot keep scheduled office hours and do not plan to do so in the future, but are more than willing to schedule appointments. Judge Tallman said his time is split between the Pioneer Annex Building in Heppner and offices in the north end of the County, but his schedule often changes, and this is especially true for Juvenile cases and hearings. Judge Tallman asked Ms. Lucher to work on an updated County phone list.

County Counsel Services Discussion

Ms. McLane discussed the status of the Love's Travel Stops/Devin Oil Appeal and said she reached out to former County Counsel, Ryan Swinburnson, numerous times with no response. (Mr. Swinburnson represented the County in this case until a few months ago.) She said she is now requesting the County Court expand the agreement with interim County Counsel to include this case. Mr. Tovey said it would primarily be Justin Nelson working on the case, but either one of them could do it. Ms. Wolff said Mr. Nelson said he's willing to help the County but she didn't ask about additional compensation. Commissioner Rea said either Mr. Tovey or Mr. Nelson should draft a letter to Mr. Swinburnson explaining the County's plans. Ms. McLane said Mr. Swinburnson has information related to the Love's action and it might be beneficial to Mr. Nelson to ask for those records. Mr. Tovey said he and Mr. Nelson would be substituting in as counsel and we have nothing from Mr. Swinburnson. He continued by saying he worked with Mr. Gorman on the Jaquez case and they had to start from zero because they had no documents from Mr. Swinburnson. Commissioner Russell said Mr. Swinburnson should return the County's records, we paid for them. Judge Tallman requested current County Counsel draft a letter to Mr. Swinburnson covering the following topics: 1.) The return of all Morrow County records to Morrow County; 2.) Notification of the change in County Counsel for the Love's case; and 3.) Request he submit an invoice for his services no later than June 30th.

Department Report

Planning Department

Ms. McLane discussed agenda items for the upcoming Planning Commission meeting Tuesday, May 19th in Heppner. She also discussed her draft of the Morrow County Zoning Ordinance, Article 7, which deals with dimensional adjustments, variances, special and temporary use permits and non-conforming uses. Depending on what happens, Planning may move forward to Public Hearing...a lot of what we want to do is beneficial to the landowner, she said.

Ms. McLane informed the Court she has filled the vacant Associate Planner position through an internal promotion of Stephanie Loving, Office Specialist. Ms. McLane said she will meet with Ms. Wolff to work on several items – develop a professional progression for positions in the Planning Department, determine how to fill a third position, and eventually hire an Office Specialist.

Contracts

GN Northern, Inc. Change Order

Commissioner Russell said they should have done better planning so there wasn't a change order, but they didn't, so here we are. Most of this involves inspections on damp proofing they

didn't think about to start with. Judge Tallman said they decided not to use the damp proofing GN wanted and then they didn't get the information about what the new material would cost and when it would be applied and when GN was to be there...so it means it was outside of our Guaranteed Maximum Price and we didn't know that. Commissioner Russell said there were some savings, but they didn't know the amount. He added he let them know he didn't like change orders for something like this and he relayed his background in the petroleum business – if someone was quoted a price, that's what we delivered it for. You're not guaranteed a profit on everything, he said. Commissioner Russell said he'd recommend we go ahead and approve this.

Commissioner Russell moved to approve the Change Order for GN Northern, Inc., in an additional amount not to exceed \$3,700, and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.

Letter of Support for Morrow County Health Department (MCHD) Request for Proposals

The Commissioners reviewed the letter in support of MCHD – Morrow County Healthy Families program in the submission of a Request for Proposals to continue service delivery, and agreed by consensus to sign it.

Correspondence Reviewed

- Flyer from Oregon State University Extension Service, Union County, regarding Woodland Management Methods in Blue Mountain Forests outdoor seminar, Thursday, May 21st.
- Parole and Probation Report for May 1, 2015 – 104 on the caseload; Work Crew total billings of \$2,290.
- Copy of Morrow County's letter sent to Office of Emergency Management requesting a drought declaration.

Commissioner Reports

Commissioner Rea said another item stressed at the CIS training she attended yesterday was the importance of wording in drug policies. She said she was told it's not sufficient to have wording to the effect of, "under the influence," rather it should state an entity has a "zero tolerance" policy. Ms. Wolff said Morrow County's policy does say "under the influence." Commissioner Rea asked Ms. Wolf to contact CIS to assist in changing the wording in Morrow County's policy. Ms. Wolff said the policy regarding Cost of Living Adjustments for management also needs updating and perhaps both policies could be done at the same time.

Commissioner Rea said last night's Fair Board meeting was not well attended but plans are moving forward for this year's fair – entertainment is being lined up and apparently there will be a live alligator at the fair.

Commissioner Russell said last Friday's Columbia River Enterprise Zone II Board meeting was rescheduled for Monday, May 18th. He also said he will be attending County College this weekend and the topic will be Public Safety and include a tour of the Department of Public Safety Standards and Training facility.

Minutes

Commissioner Rea moved to approve the minutes of May 6th, with corrections. Commissioner Russell seconded. Unanimous approval.

Claims

Commissioner Russell noted an espresso drink charged by someone in the Sheriff's Office. He also asked if an invoice from the Northeast Oregon Water Association for \$25,000 had been paid yet because it was substantially higher than he believes most of their other members pay. He said he spoke with the General Manager of the Port of Morrow, Gary Neal, and asked the amount the Port pays. Mr. Neal informed him their contribution is the office space at the Port of Morrow Riverfront Center, which is about \$500-800 per month. Commissioner Russell said the invoice is way too high.

Commissioner Rea said she questioned Sheriff's Office charges for oil changes at Hermiston Quicky Lube (six vehicles on six different days), saying it would make more sense for our vehicles to be serviced in Morrow County. We should support Morrow County businesses when and where we can. Commissioner Russell said he agrees and suggested a memo be sent to Department Heads. Judge Tallman said he's spoken to them several times and they say it's more convenient. Commissioner Rea said this should be an agenda item at the next Department Head/Elected Officials Meeting.

Judge Tallman reported a tour of the Bartholomew Building will take place on Thursday, June 18th for Department Heads and Elected Officials.

Commissioner Rea moved to approve the May 2015 Retirement Taxes, dated May 8, 2015; and the Accounts Payable, dated May 14, 2015, in the amount of \$620,113.62. Commissioner Russell seconded. Unanimous approval.

Adjourned 12:01 p.m.