

Morrow County Court
May 20, 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/Interim County Counsel
Roberta Lutcher, Court Executive Assistant

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

City and Citizen Comments – Boardman

No comments

Open Agenda

- Commissioner Russell said now that he is no longer affiliated with the Port of Morrow Commission, it's time to readdress the invoice for a culvert from the Port which continues to cause a disruption in the relationship between the two entities.
- Richard Tovey, Interim County Counsel, asked the Commissioners who they would prefer sign the letter to former County Counsel Ryan Swinburnson. Commissioner Rea said she would prefer Counsel sign it. Judge Tallman said he preferred the Commissioners sign it, but he would go with the consensus. Consensus was later determined to be the Commissioners will sign the letter. The Commissioners decided to request Mr. Swinburnson turn in his invoice by June 15th.

Department Report

Road Report

Burke O'Brien, Public Works Director
Matt Scrivner, Assistant Road Master

Mr. Scrivner provided the following Road Report:

- One road grader has been working on Blake Ranch and the 21 Road. The grader operator is in the process of working on Shaw Grade Lane and then will work Sanford Canyon Lane and Shobe Canyon Road in preparation of logging traffic which will use that route instead of Balm Fork Road.
- The crew completed most of the spring brooming over the past two weeks.
- Ione-Gooseberry Road – the grinding process has been completed and the first lift of gravel was installed on the six and a half mile project.
- Dry Fork Road – the grinding process has been completed; the crew will finish rocking and grading the four and a half mile project this week.

- Liberty School Road – grinding process completed; rocking will be completed over the next week on this three mile project.
- Hardman Ridge Road – the grinder is being moved to this location to grind a few miles of this road in need of being reclaimed.

Mr. O'Brien said a grant-funded project to add 13 full camping hook-ups at the OHV Park should be completed in time for this weekend's Memorial Day Holiday.

Automated Weather Observation System (AWOS) Repair Request

Mr. O'Brien

Bob Nairns, Contracted AWOS Technician

Mr. O'Brien said a problem has been encountered with the AWOS at the Lexington Airport and the repairs will be above what is in the Airport Budget and Public Works is looking for some monetary assistance.

Mr. Nairns explained the computer crashed at the central data platform located inside the pilot's lounge at the airport. He said he was advised the computer is obsolete and can't be repaired and the necessary upgrade will be \$10,603. The Commissioners decided the system needs to be repaired and Commissioner Rea suggested a possible funding source could be Long Range Capital Improvement funds. Judge Tallman asked that the equipment be ordered as quickly as possible.

Old Business

Port of Morrow Invoice – Culvert

The Port of Morrow (POM) submitted an invoice just over one year ago to Morrow County for a 36" pipe and fittings (\$19,710.80) and labor for welding (\$1,435) for a project on Laurel Lane from May of 2010. The invoice was withdrawn from payment by the County Court last year, pending review.

Commissioner Rea said the Port's General Manager, Gary Neal, or their Engineer, Ron McKinnis, should be asked to join in the discussion. Carla McLane, Planning Director, offered to see if one or both might be available. The discussion was momentarily postponed.

New Business

Order – Treasurer to Invest Funds

Ms. Wolff said this order is necessary each year to direct the County Treasurer to invest funds.

Commissioner Rea moved to approve In the Matter of Authorizing the County Treasurer to Invest Funds, Order OR-2015-4. Commissioner Russell seconded. Unanimous approval.

Old Business

Port of Morrow Invoice, continued

Mr. McKinnis arrived and Commissioner Russell asked him to tell the history of the invoice from the Port's perspective. Mr. McKinnis said he reached out to Mr. O'Brien on a project to clean up radius issues associated with a cement irrigation gate box at the intersection of Laurel and Wilson Lanes that needed to be moved. He said it was decided if the intersection was being torn up, the County and the Port should work with West Extension Irrigation District to fix the radius problems. Mr. McKinnis said Mr. O'Brien told him the County didn't have the money. Mr. McKinnis said he let Mr. O'Brien know the Port could get the pipe so everything could be done at the same time. Mr. McKinnis said one thing led to another and "we didn't get to do that project...and in the process, there was a snafu on another piece of the deal and everything fell apart and went away. At some point, we wanted to do something else with the pipe (the West Extension Irrigation District stuff) and it ended up being used for the Levy pipeline, so my boss said to bill the County."

Commissioner Rea asked if the waterline was a fresh water line to the Bob Levy Farm. Mr. McKinnis said yes, it was for Bob Levy's fresh water line, not the Port's waste water. The Port put in its own line, these are two separate lines – one is Mr. Levy's fresh water line and the other is the Port's PVC line that moves waste water out there, he explained.

Further discussion ensued, including comments from Mr. McKinnis that he's been directed to no longer partner with the County Public Works Department. Commissioner Russell said he thinks we need to repair things so Mr. O'Brien and Mr. McKinnis can work in collaboration on projects. Mr. O'Brien said this invoice has cost the County more money in lost productivity over the lack of cooperation and ability to share (equipment).

Commissioner Russell moved the County approve the invoice to the Port of Morrow in the entire amount of \$21,145.80. Commissioner Rea seconded with the condition the County will in turn, submit an invoice to Bob Levy.

Conversation took place concerning ownership of the pipeline. The Commissioners decided Mr. Levy should be a part of the discussion.

Commissioner Russell moved to amend his previous motion to postpone any action until there is a discussion with Bob Levy to determine his willingness to participate in the cost of the pipe that has become an issue between the Port of Morrow and the County that was used on his pipeline, but in the meantime, the County should pay the invoice to the Port and look to Mr. Levy. Commissioner Rea seconded the amended motion.

Mr. O'Brien then said if there is a utility in a County right-of-way which interferes and jeopardizes work being done within that project area, such as not being to the proper depth or not being permitted, then the County isn't liable for replacement of that utility infrastructure. He said this waterline was a delivery line to an irrigation project and it was substandard because it was not an adequate depth and it was not permitted, according to his research. He added that he's not saying the County doesn't need to settle this invoice but this should not be "standard operating procedure" for all utilities that cross County roads in the future. This was a unique situation and Mr. O'Brien said he wanted it in the record as such. He added the County needs to be careful to not set a precedent. Discussion, once again, ensued.

After a call for the vote on the amendment, the following resulted: Judge Tallman: nay; Commissioner Rea: nay; Commissioner Russell: nay.

The vote was taken on the original motion [Commissioner Russell moved the County approve the invoice to the Port of Morrow in the entire amount of \$21,145.80. Commissioner Rea seconded with the condition the County will in turn, submit an invoice to Bob Levy.]. Unanimous approval.

Commissioner Rea moved to approach Bob Levy with a request to reimburse the County for a portion, if not all, of the invoice to the Port of Morrow in the amount of \$21,145.80. Commissioner Russell seconded. Unanimous approval.

It was decided Commissioner Rea and a representative from Public Works will have a discussion with Mr. Levy.

New Business

Second Reading and Adoption – Transportation System Plan Project List Amendment Adopting Ordinance

Carla McLane, Planning Director

Ms. McLane provided the second reading by title.

Commissioner Rea moved to approve An Ordinance Amending the Morrow County Transportation System Plan Appendix B, Recommended Roadway System Projects, County Ordinance No. ORD-2015-2. Commissioner Russell seconded. Unanimous approval.

Contracts

Change Order – W.C. Construction

The net increase to the Guaranteed Maximum Price will be \$15,383.

Commissioner Rea moved to approve AIA Document G701-2001, Change Order Number 002, to contractor W.C. Construction, with the balance for the changes to be \$15,383, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Oregon Department of Education, Early Learning Division 2013-2015 Intergovernmental Agreement (IGA) #9756, Amendment #4

It was noted the amendment was reviewed by Public Health Director, Sheree Smith, and Justin Nelson, County Counsel.

Commissioner Rea moved to approve the Oregon Department of Education, Early Learning Division 2013-2015 IGA #9756 or MOR 1315, Amendment #4, Mixed Funds Agreement, changing the date from June 30, 2015 to September 30, 2015; amending the Healthy Start General Fund amount from \$69,177 to \$77,450; changing the Oregon Revised Statute reference

from OAR 423-045-0015 to OAR 414-525-0015; and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Correspondence Reviewed

- Letter and accompanying resolution from Klamath County Board of Commissioners asking other County leaders to offer input directing the Oregon Department of Fish and Wildlife (ODFW) to delist the gray wolf in Oregon. The Commissioners agreed to send such a resolution to ODFW.
- Notice from Morrow County Planning Department to adjoining property owners of a Public Hearing on Wednesday, May 27th, 11:00 a.m., Pioneer Annex Building, 150 Rock Street, Heppner.
- Copy of the Oregon Department of Agriculture, Wolf Compensation and Financial Assistance 2015 Grant Agreement in the amount of \$6,375. Commissioner Rea, who represents the County on the Morrow County Wolf Depredation Advisory Committee, said the committee had a very productive meeting last night and plans to submit an informational article to local newspapers and hold a Town Hall meeting in the fall.
- Letter from AFSCME Local 2479 President, Kandy Boyd, to the Morrow County Court stating the General Employees Unit voted to ratify the proposed Collective Bargaining Agreement for July 1, 2015 to June 30, 2018.

Commissioner Reports

Commissioner Russell said he went to the most recent Planning Commission meeting and found the speakers on the impact of agriculture on our local economy very informative. He said he attended another County College session where the topic was the justice system, and it also was very informative.

Commissioner Russell said he would like a cost/benefit analysis conducted on the way Morrow County handles its Juvenile Court system. He said if a change takes place, the natural time for the transition would be when Judge Tallman retires. He said all factors need to be taken into consideration and the decision may or may not be to make a change. Discussion took place on ideas for making the analysis and who should be contacted for information gathering purposes.

Commissioner Rea said she met with Jordan Noyes, the new Field Representative for Congressman Greg Walden (La Grande office). The former Field Rep, Kirby Garrett, was also in attendance and the three had an excellent conversation, she said.

Judge Tallman said the Special Transportation Fund program is taking care of all the critical findings from a recent audit and the “800” number is now working. Judge Tallman said the volunteer drivers need to be offered a stipend as soon as this can be arranged. Commissioner Rea suggested the County use the Park Host Contract as a template and drivers should be informed the stipend is a taxable payment.

Minutes

Commissioner Rea moved to approve the Executive Session minutes of May 6th, as presented. Commissioner Russell seconded. Unanimous approval.

*Commissioner Russell moved to approve the minutes of May 13, with corrections.
Commissioner Rea seconded. Unanimous approval.*

Commissioner Rea moved to approve a correction to the previously approved minutes of April 29th. Commissioner Russell seconded. Unanimous approval.

Claims

*Commissioner Russell moved to approve two Payroll Payables, Immediate & Electronic, both dated May 13th; and the Accounts Payable, dated May 21st, in the amount of \$55,794.42.
Commissioner Rea seconded. Unanimous approval.*

Department Report

Personnel Update – Human Resources Director Job Description

Karen Wolff, Executive Secretary/Personnel Director

Ms. Wolff reviewed the categories of the JobMeas™ system she used in the formula to determine a suggested wage for the Human Resources (HR) Director and Administrative Officer (AO) positions. Several changes to the placement within the categories for the HR position were suggested by the Commissioners. As it was nearing the noon hour, the discussion was postponed until after the Retirement Program Update at 1:00 p.m.

Ms. McLane said she would not be able to return in the afternoon and asked if she could provide comment on the AO job description. She said she had some concerns over the difference in the way Department Heads and Elected Officials were treated in reference to the interactions with the AO. Changes were made to the draft AO job description to alleviate Ms. McLane's concerns and Judge Tallman thanked her for her input.

Lunch break – 11:54 a.m.

Resumed 1:00 p.m.

New Business

Retirement Program Update with McGee Wealth Management (MWM)

Judith A. McGee, Chief Executive Officer/Chairwoman, McGee Financial Services

Judith Currin Gutridge, Executive Vice President, McGee Financial Services

Rick Worden, Finance Director

Ms. McGee and Ms. Gutridge provided an overview of their report, *Morrow County Retirement Plan, Portfolio Review as of May 20, 2015* (copies of which are available to view at the Finance Office, 150 Rock Street, Heppner, or the County Court Office, Rm. 101 of the Courthouse). The following chart shows rate of return for the accounts as compared to the S&P 500 TR Index and the Barclays Aggregate Bond Index for the fixed income accounts:

	Fiscal Year to Date 7-1-14 to 5-15-15	Year to Date 1-1-15 to 5-15-15
Total Portfolio	3.73%	3.75%
MWM Equity Account	6.18%	4.64%
RJCS Southern Sun Equity Acct	-2.13%	6.69%
S&P 500 TR Index	8.29%	3.10%
MWM Fixed Income Acct	0.11%	1.62%
RJCS Federated Fixed Income Acct	1.24%	1.10%
RJCS Western Asset Fix. Inc. Acct	1.44%	0.93%
Barclays Aggregate Bond	0.73%	0.07%

The “Summary, Observations, and Conclusion” section of the report stated: “...*The Plan must support retirees’ distributions, as well as, all management, administrative and actuarial expenses. We will continue to monitor annually with the Plan’s actuaries and coordinate the investment portfolio management with actuarial expectations. The Trustees and your McGee Wealth Management investment advisors should always be aware of the pressures retirees’ distributions will most likely place on the Plan. An aging employee base will continue to drive investment management decisions regarding anticipated cash flows.*

We have been able to grow the investment portfolios of the Plan while making distributions to retirees. Cost of living increases are given annually as defined by the Milliman actuaries. If possible, the Trustees should consider funding a ‘catch up’ contribution to the Plan. The investment return alone is insufficient to meet full funding...”

Both Judge Tallman and Commissioner Rea explained funds have been identified and set aside in Long Range Planning sessions in anticipation of a “catch up” contribution suggested by MWM.

Ms. McGee said from a fiduciary standpoint as trustees, employees need to know the Plan is running solid and will be there. Being proactive means a lot to the personal security of employees and the County is in as strong a position as anybody, she added.

The Commissioners and the MWM representatives continued to exchange comments and questions.

Department Report

Personnel Update, continued

Ms. Wolff said she revised the HR pay range after the Commissioners made several changes to the JobMeas™ placements and it now stands at Pay Range 22 (Reclassified Non-Represented Employee Wage Scale, 2014-2015, New Hire, Step A, \$5,369) instead of Pay Range 23.

Commissioner Russell said the revised pay range is more in line with his expectations and he is comfortable with it.

County Administrative Officer

Commissioner Russell said the question from last week's discussion on this subject, was whether or not the County could financially support the proposed AO position and he was glad Mr. Worden was in attendance today to respond to that question.

Mr. Worden said there is potential if the County wants to do it; the County can move forward. He said he would have information ready for the next County Court meeting or the next Long Range Planning meeting of June 3rd.

Review County Drug and Alcohol Policy

Ms. Wolff asked the Commissioners to review the provided information to be discussed at next week's Court meeting.

Adjourned: 2:45 p.m.