

Morrow County Court
September 9, 2015
Boardman, Oregon
Port of Morrow Riverfront Center

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Karen Wolff, Human Resources Director
Richard Tovey, County Counsel/Deputy District Attorney
Mike Gorman, Assessor/Tax Collector
Rick Worden, Finance Director
Roberta Lutcher, Court Executive Assistant

Judge Tallman called the meeting to order at 9:06 a.m.

City and Citizen Comments – Irrigon

No comments

Open Agenda

Mike Gorman, Assessor/Tax Collector
Burke O'Brien, Public Works Director
Matt Scrivner, Assistant Road Master

- Mr. Gorman said as the Assessor's Office is preparing to move into the offices formerly occupied by the County Court, he would like permission to remove two non-operating radiators. He said space is tight and even that small amount will make a difference. Discussion. Commissioner Rea said she would like one radiator retained to possibly be part of a display in the Courthouse. The Commissioners agreed by consensus to the removal of the radiators.
- Mr. Gorman also advised the Court that the original plans to shuffle the offices for the Assessor, Support Enforcement and Victim Assistance have been modified. He said he and District Attorney, Justin Nelson, agreed the front office for the Assessor's Office will remain as is, and Support Enforcement will occupy the space that housed the appraisers and Mr. Gorman. The Victim Assistance Office will not move and Mr. Gorman will be across the hall from it in Room 101. The three Appraisers will be in Judge Tallman's previous office.
- Mr. O'Brien said he and Tony Clement, Maintenance Supervisor, met and compiled a list of needed projects at the Courthouse, which include: remove radiators; work on dormers and eaves; plaster and ceiling work in the courtroom and other areas; replace carpeting; replace air conditioning units. He said he will put together a cost estimate for the Commissioners.

Old Business

Lexington Wind Erosion District

Judge Tallman said he contacted several people about the request to appoint Inspectors, but basically has no new information. He said he will continue to try to reach Gregg Rietmann but his attempts so far have been unsuccessful.

New Business

Air Conditioners at Museum

Mr. O'Brien said he and Mr. Clement looked into problems at the Museum and Library Building and discovered the two units on the roof had six 12" flexible ducts to the attic space that were not vented to the interior spaces of the building. The heating and air conditioning system in the building dates to 1972, he said. Discussion. The Commissioners directed Mr. O'Brien to obtain a minimum of three bids for a new HVAC (heating, ventilation and air conditioning) system.

Sheriff's Office Executive Assistant and Emergency Management Positions

Sheriff Ken Matlack

Ideas and options for placement of Emergency Management duties were debated. Commissioner Rea stated those duties should not fall within the purview of the Undersheriff because she does not want a repeat of the situation the County recently had to remedy. (The Undersheriff's pay was elevated due to his additional duties, such as emergency management. This resulted in the Undersheriff earning more than the Sheriff. According to State Statute, this is not allowed, so the Sheriff's wage had to be increased.) Additional discussion. Commissioner Russell stated the Commissioners were in agreement that the Emergency Management duties should remain within the Sheriff's Office. No decision was reached and the matter will be on next week's agenda. In addition, Judge Tallman said the Court would have a decision in the next week or two regarding the Sheriff's request to add a Management Assistant position.

Department Report

Finance Department – Retirement Update with Milliman

Rick Worden, Finance Director

Ladd Prepperneau, Principal and Consulting Actuary, Milliman

Brent Langland, Consulting Actuary, Milliman

The following summary was provided by Mr. Worden -

Milliman has been the firm responsible for providing actuarial services to the Morrow County Retirement Plan since the plan's inception. Mr. Prepperneau and Mr. Langland were in attendance to discuss the Morrow County Retirement Plan, and issues concerning potential redesign of public plans.

The discussion began with Mr. Langland and Mr. Prepperneau covering the Morrow County Retirement Plan's most recent annual actuarial valuation as of July 1, 2014. Mr. Langland explained some of the actuarial assumptions, but the majority of the discussion centered on the Summary of Findings section of the report. Mr. Prepperneau indicated that although the plan has seen some significant market returns in the most recent years, he said he felt that the current assumption used by the plan of 7.5% for investment return was probably too high and an area where the County should consider adjusting for future years. To provide further insight, Mr. Prepperneau explained the difference between market value and actuarial value and how the actuarial value recognized gains and losses over a period of time and, in a sense, "smooths out" some of the volatility that comes with using market value for some of the calculations. After

reviewing some of the calculations and the calculated Annual Required Contribution Rate, the discussion shifted to potential plan redesign.

Mr. Prepperneau discussed the difference between a defined benefit plan, which the County currently has, and a defined contribution plan. Mr. Prepperneau indicated that each plan has strengths and weaknesses, both from the employee and the employer perspective. He also stressed that with any sort of public plan redesign, the cost savings are realized gradually over time because you don't generally change the plan provisions for current employees. Mr. Prepperneau closed the discussion with a comparison between the current plan design, and the most recent tier of Oregon PERS (Public Employees Retirement System) known as OPSRP (Oregon Public Service Retirement Plan). He reminded the Court that as required by Oregon, the County would need to maintain an "Equal to, or Better Than" standing for public safety employees. After some general questions and discussion, it was decided that the Court should continue the conversation in the next Long Range Planning session before deciding what further information they would like Milliman to provide regarding possible plan designs for future consideration.

County Counsel Report

Mr. Tovey reported on the status of the Jauquez Property, which refers to the owner of the mobile home which sits on County-owned property in Boardman. He said the ex-wife of Mr. Jauquez has retained an attorney in an attempt to buy back the property. They allege Mr. Jauquez committed fraud by omitting her name on the deed, therefore she was not notified during the foreclosure process. Mr. Tovey said Mr. Jauquez has since been deported to Mexico but Mrs. Jauquez lives in Pasco. Discussion. Mr. Tovey said he would notify the attorneys of the need for signed documentation/proof of fraud.

New Business

Circuit Court – Juvenile Program

Roy Blaine, Trial Court Administrator, Sixth Judicial District (Umatilla & Morrow Counties)

Bobbi Childers, Clerk

Tom Meier, Juvenile Department Director

Mr. Blaine started by explaining the two processes for handling juvenile dependency and delinquency cases through the Circuit Court in Umatilla County. He said Morrow County would parallel this process if it chooses to turn over juvenile hearings to the Circuit Court. He also said the five judges of the District would pick up Morrow County's caseload and make the change as seamless as possible, if that is the decision.

Commissioner Rea asked about the cost impact to the County. Mr. Blaine replied court appointed attorney expenses would be picked up by the State rather than the County. Another element to consider, he said, is the County Judge would be relieved of that time commitment.

Mr. Blaine said the question of how much time a judge will spend in Morrow County has been brought up. He said he is unsure of the answer, but the number of juvenile cases in Morrow County compared to Umatilla County is less than half. The judges are invested in Morrow County and elected by Morrow County and they care about that, he said.

Judge Tallman said juvenile cases in Morrow County are usually held on Fridays because schools are in session Monday-Thursday. Also, since most cases involve residents in the north end of the county, cases are heard there to reduce travel time and expense for the parents.

Mr. Blaine said the workloads are shifting among judges, but Judge Paul should be available to hear Morrow County cases on Friday mornings. He also explained the Circuit Court has to sit where the law provides, which is Heppner, so cases cannot be heard in the north end of the County, as it stands today.

Mr. Blaine said Morrow County might consider using accountability boards and look into the Casey Foundation, which invests funds at the local level in training for youth services and courts.

Commissioner Russell asked the other County personnel for their perspectives.

Mr. Meier said the Casey Foundation is a philosophical group that works to eliminate foster care and detention. Historically, Morrow County has believed in detention as an alternative, he said. Mr. Meier continued that he prefers to have detention and probation as available options, and if they are eliminated, it becomes a problem for him. The difference in the philosophies between the Juvenile Departments in Umatilla and Morrow Counties is markedly different, he said.

Mr. Tovey asked if the County wants to give up its authority because once it's turned over, it can't be returned. He also said certain kinds of cases where evidence is being presented and conversations take place may present challenges because it is difficult to pick up on the nuances of communication over the phone or video. [At this point, Mr. Tovey left the meeting due to a prior commitment.]

Mr. Blaine said the bottom-line is the cultures of Morrow County and Umatilla County are completely different. He added, the judges and management have determined Morrow County will be open and staffed to serve the public. If a case has to be heard within 24 hours, a judge will hear it...and nobody will stop Mr. Meier from being involved, said Mr. Blaine.

Ms. Childers reminded the Commissioners the beginning file date for Judge Tallman's and Commissioner Rea's positions is September 10th. If the decision is made to remove the juvenile judge duties after someone has already filed for the Judge position, it could push the effective date of the change out six years, she said. Discussion ensued. Commissioner Rea said County Counsel was asked to look into the process, but they have not yet responded. The Commissioners decided to wait for a response from County Counsel.

Minutes

*Commissioner Rea moved to approve the minutes of September 2nd, with corrections.
Commissioner Russell seconded. Unanimous approval.*

Commissioner Rea moved to approve the Executive Session minutes of September 2nd, as presented. Commissioner Russell seconded. Unanimous approval.

Commissioner Russell moved to approve the Executive Session minutes of August 26th, with corrections. Commissioner Rea seconded. Unanimous approval.

Claims

Commissioner Rea moved to approve the 2015 Morrow County Rodeo Payouts, dated September 3rd; and the Accounts Payable, dated September 9th, in the amount of \$300,706.27. Commissioner Russell seconded. Unanimous approval.

Contracts

Amendment to State of Oregon Grant Agreement #146890

Commissioner Rea moved to approve the Amendment to the Oregon Health Authority Grant Agreement #146890 (Maternal, Infant, and Early Childhood Home Visitation), to extend the end date from September 30th, 2015 to March 31, 2016; and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Health Officer Contract

Commissioner Rea moved to approve the agreement with Dr. Dan Hambleton, Physician, for services to the Public Health Department. Commissioner Russell seconded. Unanimous approval.

Correspondence Reviewed:

- Meeting notice and agenda from the Oregon Department of Energy's Energy Facility Siting Council for a September 18th meeting at the Port of Morrow.

Commissioner Reports

Ms. Wolff said the estimate to install a sign on the west side of the Bartholomew Building could be as much as \$2,500. Both Commissioners Rea and Russell said they did not want to spend that much on an extra sign.

Commissioner Rea asked if the costs incurred to sound-proof the Courtroom windows from construction noise could be billed to the Court Security Fund. Mr. Worden said he would look into it.

Commissioner Rea moved to not install a sign on the west side of the Bartholomew Building. Commissioner Russell seconded. Commissioner Rea and Commissioner Russell: Aye; Judge Tallman: abstain. Motion carried.

Comments Prior to Executive Session

Ms. Wolff stated there will be no decisions made outside of Executive Session.

1:42 p.m. - Executive Session

ORS 192.660(2)(a) To consider the employment of a public officer, employee, staff member or individual agent.

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.

1:48 p.m. - Closed Executive Session – No decisions

Miscellaneous

Commissioner Russell requested County Counsel be contacted to provide a definite answer as to the process of turning over a Juvenile Court to State Circuit Court. Brief Discussion. Judge Tallman said he would contact Justin Nelson and then notify Commissioners via email.

Adjourned: 1:51 p.m.