

Morrow County Board of Commissioners Meeting Minutes
May 31, 2017
Bartholomew Building Upper Conference Room
110 N. Court St., Heppner, Oregon

Present

Chair Melissa Lindsay
Commissioner Don Russell
Commissioner Jim Doherty
Jerry Sorte, Administrative Officer

Kate Knop, Finance Director
Karen Wolff, Human Resources Director
Justin Nelson, County Counsel
Roberta Lutcher, Executive Assistant

Call to Order and Pledge of Allegiance: 9:02 a.m.

City and Citizen Comments: No comments

Open Agenda Requests: Postpone the Stepping Up Initiative Resolution discussion; Add nine permit applications from Public Works

Consent Calendar

Commissioner Doherty moved to approve the following items in the Consent Calendar:

- 1. Board of Commissioners meeting minutes of May 10th, May 17th and May 24th*
- 2. Oregon Department of Transportation (ODOT) Agreement #30785 Amendment #1*
- 3. ODOT Agreement #32202 "5310" Grant Agreement, and authorize Chair Lindsay to sign on behalf of the County*

Commissioner Russell seconded. Unanimous approval.

Public Hearing – Transportation System Plan Appendix B Update

Chair Lindsay noted this hearing is a continuation of the May 24th public hearing. She then called for the Staff Report. Carla McLane, Planning Director, said the Board is considering the Planning Commission recommendation to adopt the updates to Appendix B, Recommended Roadway System Projects of the Transportation System Plan. The update encompasses three tables within Appendix B – High Priority Recommended Roadway System Projects; Medium Priority Recommended Roadway System Projects; and Bridge Deficiencies. She explained the High Priority list identifies projects that should take place in the next five years, whereas the Medium Priority list identifies projects needing to be done in the next 20 years, but also have the ability to be brought forward. She added this process is a mechanism by which projects become eligible for funding.

Chair Lindsay called for abstentions or conflicts of interest: Commissioner Doherty: none; Commissioner Russell: none; Chair Lindsay: none.

Calls for testimony from proponents and opponents went unanswered. Chair Lindsay continued the hearing to the end of the meeting to allow input from Road Department personnel who had not yet arrived.

Business Items

Appointment Request to the North Morrow Vector Control District (NMVCD) Board of Trustees

Greg Barron, Manager, NMVCD

Mr. Barron said the Oregon Revised Statute which governs vector law in Oregon specifies Board of Commission approval is needed for appointments or reappointments to the Board of Trustees (ORS 452.080). He outlined the process for appointments/reappointments and noted people usually start as members of the budget committee to gain experience and knowledge before transitioning to the Board of Trustees.

Commissioner Russell moved to approve the reappointment of Smokey Joe Wightman to the North Morrow Vector Control District Board of Trustees, term to be April 9, 2017 to April 9, 2021. Commissioner Doherty seconded. Discussion ensued on several topics, including the positive impact NMVCD has had on mosquito control in north Morrow County. Commissioner Russell called for the question. Unanimous approval.

Helion Contract for Assessor's Office – Sole Source Procurement

Mike Gorman, Assessor/Tax Collector

Justin Nelson, County Counsel

Mr. Gorman explained the ORCATS software in the Assessment & Taxation Office was purchased from Helion and is required to be maintained by Helion, as well. In addition, Mr. Nelson said Helion is the sole provider of services at this point in time, which allows for this sole source procurement.

Commissioner Russell moved to approve the Professional Services Contract with Helion Software, Inc., effective July 1, 2017 – June 30, 2018; amount not to exceed \$47,973; and authorize the Assessor/Tax Collector to sign on behalf of the County. Commissioner Doherty seconded. Unanimous approval.

South County School Resource Officer (SRO) Position Discussion

Sheriff Ken Matlack

Dirk Dirksen, Superintendent, Morrow County School District

Sheriff Matlack reminded the Board his request for an additional SRO position was put in “placeholder” status during the Budget Committee Meetings (the Budget Committee and Commissioners agreed to set aside funds but did not definitely commit those funds). He said he would now like to continue the conversation for the benefit of the County's school districts as they offered funding assistance and are in their own budget processes. The funding from both school districts would be for a new SRO to serve Heppner and Ione schools. The Morrow County School District already contributes toward the SRO who works in the schools in Irrigon.

Documentation provided by Undersheriff John Bowles and Ronda Fox, Finance Management Assistant, shows the following cost breakdown:

School Resource Deputy

Total cost of decision package: \$76,481 yearly

Vehicle fully equipped every three years: \$30,000
Morrow County School District will cover \$25,000 a year for this position
Ione School District will cover \$25,000 a year for this position
Morrow County would be covering the amount over \$50,000
Approximately \$26,481 without vehicle
Approximately \$56,481 with vehicle
These figures are for the 2017-2018 year

Sheriff Matlack said implementing a driver's education program in the schools is being considered as a duty of the SROs.

Mr. Dirksen discussed the impact the SROs have on student attendance and outlined the circumstances that warrant bringing in an SRO versus a CARE Team member. He explained the SROs coordinate safety plans in regard to threat assessment and this puts him at ease knowing there is a coordinated effort since these events can happen anywhere. It's made a huge difference to the educators who can now focus on the education piece while the SROs focus on the safety piece, he said. An SRO actively involved keeps the safety plan on the forefront, which is an important factor in today's society, he offered.

At this point in the discussion, Finance Director Kate Knop requested several corrections to the contract:

1. Ione School District agreement: Change the sentence specifying the District shall pay Morrow County Sheriff's Office to the District shall pay Morrow County.
2. Morrow County School District agreement: Change the sentence specifying the District shall pay Morrow County Sheriff's Office to the District shall pay Morrow County. Correct the two payment amounts from \$32,500 to \$37,500 so they equal the total amount of \$75,000.

Mr. Nelson said he would revise both contracts and have them ready for signature before the end of the meeting.

Commissioner Doherty moved to approve the Law Enforcement Services Agreement with the Ione School District and Morrow County Sheriff's Office; and the Law Enforcement Services Agreement with the Morrow County School District and Morrow County Sheriff's Office with the corrections noted, both agreements to be effective upon the date signed by all parties until the end of the 2017-2018 school year. Commissioner Russell seconded. Discussion: Chair Lindsay asked if the SROs will work as Patrol Deputies in the summer months. Sheriff Matlack said they would work where they are needed, which could be in several of the divisions within the Sheriff's Office. He further clarified that during the school year, the SROs would not be used for other duties that would impact their ability to respond when needed at the schools. However, he said, both school district superintendents are of the understanding the SRO is under the Sheriff's Office and can be called away from the schools if a significant event occurs elsewhere in the County. Unanimous approval.

Public Works Permit Approval Requests

Burke O'Brien, Public Works Director

Commissioner Russell moved to approve the following Applications for Necessity to Build on Right-of-Way from Zayo, all pertaining to the same project with directional bore noted:

- 1. #OLW – Wilson Lane and Bombing Range Road intersection, conduit and fiber cable*
- 2. #OLX – Tower Road and Kunze Lane intersection, conduit and fiber cable*
- 3. #OLY – Toms Camp Road and Wilson Lane intersection, conduit and fiber cable*
- 4. #OLZ – Kunze Lane and Toms Camp Road intersection, conduit and fiber cable*
- 5. #OMA – Bombing Range Road and Wilson Lane intersection, conduit and fiber cable*

Commissioner Doherty seconded. Unanimous approval.

Commissioner Doherty moved to approve Application for Approach Site Approval #213 from James Dustin, Eastregaard Road and Wilson Lane. Commissioner Russell seconded. Unanimous approval.

Mr. O'Brien said the next two applications are from Heppner/Lexington Pipeline LLC (Brian Thompson) for a project that will take water to Lexington along the former railroad right-of-way. He said a cut will be made across the road that will require paving within 45 days of completion; Public Works recommends approval.

Commissioner Doherty moved to approve the following Applications for Necessity to Build on Right-of-Way from Heppner/Lexington Pipeline LLC:

- 1. #OMB – Meadowbrook Road near the intersection with Highway 74/207, waterline*
- 2. #OMC – Bunker Hill Lane near the intersection with Highway 74/207, waterline*

Commissioner Russell seconded. Discussion: Commissioner Doherty asked what some of the challenges were with these permits that Mr. O'Brien referenced during his explanation. Mr. O'Brien said there were timeline issues, getting things completed in a timely manner. He said we had a project that was underway and the ball was dropped on how long it would take to get the permit applications. They were ready to cross the road and it hurried things more than it should be hurried, he said. Commissioner Doherty asked if proper procedures were followed. Mr. O'Brien said they were not out in front enough, timewise. It would have been simple if it was done two weeks ahead. Unanimous approval.

Commissioner Doherty moved to approve Application for Necessity to Build on Right-of-Way #OME from Windwave, Division Road near the intersection with Depot Lane in Irrigon, directional bore for fiber optic line. Commissioner Russell abstained from participation as President of Windwave. Chair Lindsay seconded. Aye: Commissioner Doherty, Chair Lindsay. Abstained: Commissioner Russell. Motion carried.

Chair Lindsay noted the prior County Court discussed placing approval authority for permit applications within Public Works. She asked if the discussion should again take place. Administrative Officer Jerry Sorte explained an update to the Morrow County Code of

Ordinance is necessary and draft language has been created. He said he will present the draft language next week, to be followed by first and second readings in subsequent weeks.

10:21 a.m. Reopen Public Hearing – Transportation System Plan Appendix B Update

For Mr. O’Brien’s benefit, Ms. McLane summarized the discussion that took place earlier in the public hearing. Mr. O’Brien said as a proponent, the Transportation System Plan provides guidance for planning future projects and development work on the County road system. He said he’s supportive of moving this forward to start another five years.

Chair Lindsay closed the public hearing at 10:24 a.m.

Commissioner Doherty moved to approve the proposed Transportation System Plan Appendix B, Table 1 High Priority Recommended Roadway System Projects, Table 2 Medium Priority Recommended Roadway System Projects, and Table 3 Bridge Deficiencies; authorize Planning staff to prepare the necessary adoption documents; and authorize the inclusion of an emergency clause to assure that Appendix B is in place at the beginning of the 2017-2018 fiscal year. Commissioner Russell seconded. Unanimous approval.

Break: 10:30 a.m.

Resumed: 10:41 a.m.

Oregon Health Authority 2017-2019 Intergovernmental Agreement (IGA) #153133 for the Financing of Community Mental Health, Substance Use Disorders, and Problem Gambling Services

Jerry Sorte, Administrative Officer

Mr. Sorte explained the County contracts with Community Counseling Solutions (CCS) for the services listed in the contract. The first step is to sign the new IGA, and the second step is for the Board to confirm whether or not the County will continue to contract with CCS for these services. As background, he said the County went through a Request for Proposals process in 2006 when mental health services moved from a County function to being housed within a not-for-profit organization (CCS). Mr. Nelson recently reviewed that process to ensure the County does not need to go out for bids again, said Mr. Sorte. One aspect to consider is if the County wants to retain an administrative fee to cover our administrative costs. After a brief discussion, the Board members agreed to continue to work with CCS.

Commissioner Doherty said he would like to see a meeting take place with Mr. Sorte, Mr. Nelson and CCS to broach the subject of a handling fee to the County for administering the \$2,818,166 contract. Commissioner Russell agreed and then added he would like staff to contact other counties to see if they charge a fee. Chair Lindsay voiced her opposition and said this is a service the County is required to provide. She said in past years, Gilliam County supplemented the amount to CCS by \$80,000 from general fund dollars. Commissioner Doherty asked that staff determine whether or not CCS is receptive to the idea during their meeting and report back to the Board. Mr. Sorte said he will estimate the amount of staff time associated with administering the contract and determine what the administrative fee would be in order to cover those costs. Chair Lindsay said an analysis would be difficult since this year is not a typical

year. There are new staff members who are in a learning phase and it wouldn't be as much of a time commitment moving forward, she said. This is a service we provide like the Planning Department or Sheriff's Office, she offered. Commissioner Russell said he viewed it differently because those departments are County functions. Nonprofits, as CCS is, make a lot of profit sometimes, he said, it just means they don't pay income tax. He asked that a comparison to other counties take place. He continued, Morrow County is in good financial shape but at the same time, providing administrative services for a non-County entity has a cost associated with it and we should at least look at those costs before making a decision. Commissioner Doherty said that would be his preference as well, review the requested information and then make a decision. Chair Lindsay said Kimberly Lindsay, CCS Executive Director, should be in the room before negotiations start. Commissioner Russell said the Board gave direction to Mr. Sorte to meet with Ms. Lindsay and he doesn't want to micromanage what we tell the Administrative Officer to do.

Commissioner Russell moved to approve the 2017-2019 Intergovernmental Agreement #153133 for the Financing of Community Mental Health, Substance Use Disorders, and Problem Gambling Services with the Oregon Health Authority, effective July 1, 2017 through June 30, 2019, total contract amount \$2,818,166.60. Commissioner Doherty seconded. Unanimous approval.

Letter of Support – House Bill 2645A – Directs manufacturers of prescription drugs sold within the state to implement drug take-back programs for drug disposal

Commissioner Russell said Wasco County Commissioner Steve Kramer is an advocate of this bill, which is a way to have drug manufacturers pay for drug take-back programs. He said the letter of support was drafted using Commissioner Kramer's template. The drug take-back program concept is not new in the United States and is modeled after successful programs by other entities, said Commissioner Russell.

Commissioner Russell moved to approve signing the House Bill 2645A letter of support. Commissioner Doherty seconded. Discussion: Chair Lindsay expressed concern about who would bear the costs of the program. After being assured by Commissioner Russell the drug manufacturers would bear the costs and not local pharmacies, Chair Lindsay said she approved moving forward with the letter. Unanimous approval.

Administrative Processes Update

Jerry Sorte, Administrative Officer

Mr. Sorte said the Board of Commissioners Work Sessions have been recorded rather than have staff attend them and produce written minutes. He asked if it was acceptable to the Board to continue that practice. The Board agreed by consensus as long as the public has access to the recordings. Mr. Sorte said they will be posted to the website and accommodations can be made in the Bartholomew Building for members of the public who might want to listen to the recordings there.

Mr. Sorte also discussed the current practice of sending out public notices for meetings of other entities when more than one Commissioner will attend. Mr. Nelson discussed some of the legal issues when a quorum attends other meetings. He emphasized the aspect that the Commissioners do not have control over those meetings and the meetings could be looked at as information gathering on matters that could come before the Board of Commissioners. Chair Lindsay said she didn't believe the Commissioners attended those meetings as the Board of Commissioners, but as individuals. She said she has even stopped conversations when they begin to border on topics Mr. Nelson referenced. Commissioner Russell said he attends other meetings to learn and observe what they're doing, and then shares that information with other organizations. He said he views this as "pollinating" ideas. Commissioner Doherty summed up the discussion by saying staff recommended two Commissioners not show up at these meetings but that is not likely to happen when we feel we need to attend. He added staff should continue to notice them as public meetings and note a quorum of the Board may be in attendance.

On the separate issue of whether the Board should approve minutes from the other meetings, but under the Board of Commissioners heading, the Commissioners were not in favor of pursuing that option.

Comments prior to Executive Session

Karen Wolff, Human Resources Director, distributed copies of Resolution No. R-2014-18, Morrow County Resolution to utilize temporary monies for capital improvements and long range planning goals. She explained the current Commissioners were not in office when this took place and she wanted to make them aware of its existence. She said the resolution from November 2014 states, "The Morrow County Court declares that those monies designated as temporary in nature shall be utilized for capital improvements and goals identified by the County Commissioners in long range planning sessions, and shall not be utilized in payment of the County's day-to-day operations." She said the Court at that time made it clear Enterprise Zone and Strategic Investment Program funds were to be used for capital projects or long range planning goals and not for operational expenses or to hire more staff.

Ms. Wolff said a decision is not anticipated outside of Executive Session.

11:26 a.m. Executive Session: Pursuant to ORS 192.660(2)(d) – To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

12:05 p.m. Closed Executive Session – No decisions

Correspondence

- Email from Andy Smith, Association of Oregon Counties, Veterans Policy Manager, relaying 2016 statistics, one of which shows an increase in direct payments to Oregon veterans by 8.5% from 2015-2016, while at the same time the Oregon veteran population decreased by 5,258.

Commissioner Reports

- Commissioner Doherty reported on the most recent County College session on Economic Development. He discussed how counties and cities offer low cost start-up loans to businesses and discussed the tour of one such business in Salem, Gilgamesh Brewing. He said the brewery includes a restaurant and they are now bottling their own beer and doing very well. Commissioner Doherty said he and Commissioner Russell attended the National Association of Counties, Western Interstate Region Conference in Sunriver. He attended a session on the Bureau of Land Management regarding public lands and how the BLM plans to shorten time frames on environmental studies.
- Commissioner Russell said one of the meetings at the NaCo WIR conference dealt with Payments in Lieu of Taxes (PILT) and they appear to be secure for the time being. He said the members of the Eastern Oregon Counties Association would prefer to see Secure Rural Schools funding in the way of a forest management plan rather than a “welfare” check because they believe counties need something that lets people actually work in the forests. Commissioner Russell also discussed a seminar he attended on Economic Development in a Rural Setting.
- Chair Lindsay also discussed the County College session she attended. She said she attended the CCS Advisory Board meeting in Commissioner Doherty’s absence and learned of a Senior Citizen Outreach pilot program for which they obtained funding. She said when Kimberly Lindsay outlined her concerns to the Advisory Board regarding future State funding to counties and the possibility of circumventing counties altogether, she asked her to present this at an upcoming BOC meeting. Chair Lindsay also attended the Local Public Safety Coordinating Council (LPSCC) meeting, as well as a meeting with the parties involved in the space issues surrounding the second floor of the Courthouse. She said it’s important the memorandum of understanding with the State Circuit Court be addressed. In discussing the Willow Creek Valley Economic Development Group meeting, she said she would like the housing rehabilitation program kick-started to get those funds benefitting the communities. Concluding, she said she reviewed scholarship applications for the Troedson Scholarship.

Adjourned: 12:36 p.m.