

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' STAFF MEETING
Monday, October 25, 2004
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FILED

NOV 16 2004
4:30pm

T. O'NEIL
COUNTY CLERK

COMMISSIONERS PRESENT: Paul A. Hanneman, Chairperson
Charles J. Hurliman, Vice Chairperson

COMMISSIONER ABSENT: Tim Josi, Commissioner
(Attending AOC Meeting, Salem)

STAFF PRESENT: Mary Wujcik, Board Assistant

STAFF PRESENT FOR PORTIONS OF MEETING: Craig Schwinck, Human Resources & Information Services Director; Del Schleichert, Parks Department Director; Aaron Suko, Public Works Director; Lynne Krueger, Senior Planner; Sara Charlton, Library Director; Marlene Putman, Commission on Children & Families Director; Paul Levesque, Management Analyst

GUESTS: Mark Labhart, County Commissioner Candidate; John Gettman; Gus Meyer

CALL TO ORDER: By Chair Hanneman at 8:40 a.m. in the Commissioners' Meeting Room.

ITEM NO. 1: PUBLIC COMMENTS - NON-AGENDA ITEMS: There were no comments.

ITEM NO. 4: DISCUSSION CONCERNING PROPOSED NEW POSITIONS IN THE PARKS DEPARTMENT: Mr. Schleichert discussed the proposed changes in his staffing. He wanted to make the fee collector position full-time. He reviewed the changes and the expenses associated with that. He wanted to maintain the revenue collection rate and provide for office support and tracking. The Office Specialist position would be a permanent, three days per week position.

Chair Hanneman asked Mr. Schwinck for his input. Mr. Schwinck said he and Mr. Schleichert had been working closely and would be sending a job description to the Union. As a seasonal, temporary position, the job had paid \$8.15 per hour, so this would increase the salary.

Commissioner Hurliman and Mr. Schwinck discussed the potential outcomes of the AFSCME Agreement, which was being negotiated.

Commissioner Hurliman said he did not want to move on the proposal until after the election to see if Measure 34 passed or not. Chair Hanneman said that was only a week away. Mr. Schleichert said he had no problem with waiting a week.

There was a consensus to put the matter back on the agenda for November 8th Staff Meeting.

ITEM NO. 5: HUMAN RESOURCES & INFORMATION SERVICES UPDATE: Mr. Schwinck noted that Mr. Upton would be at the November 8th Staff Meeting to do his quarterly update on the retirement plan.

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1 **Amendment to Retirement Plan:** Mr. Schwinck discussed the amendment that was proposed for
2 the retirement plan. There was a difference in the definition of "employee" in the plan and in the
3 policies, and the amendment clarified that. The "years of service" would also be defined and brought
4 into compliance with Oregon law. Another section dealt with voluntary contributions and clarified
5 how these funds were paid out.

6
7 Chair Hanneman said there was no substantive changes to the plan. Mr. Schwinck said there would
8 be no changes in how the plan was administered; the changes would just bring the plan into
9 compliance with how it has been managed.

10
11 **PERS "Better Than or Equal To" Audit:** Mr. Schwinck said PERS was meeting on Tuesday to
12 design the "equal to or better than" (ETOBT) test for police and fire benefits. It would only affect
13 the police and fire departments of the exempt entities. The testing would be done at the expense of
14 those entities.

15
16 Commissioner Hurliman asked if the cost of the testing was known. Mr. Schwinck said it was not.
17 Commissioner Hurliman said the County could not afford the same amount of employees if forced
18 to move under PERS.

19
20 Mr. Schwinck would keep the Board informed.

21
22 **ITEM NO. 2: LIBRARY UPDATE:** Ms. Charlton discussed the changes in the Inter-Library
23 Shared Network and distributed a copy to the Board.

24
25 Ms. Charlton said the local Safeway had done bag stuffers regarding the new library construction and
26 that had brought in some donations. She said they were asking the Copeland family to forgive the
27 last payment of \$40,000 on the property, which could then be put toward the building fund and give
28 Copeland a tax deduction. The groundbreaking on the new building was scheduled for March of
29 2005.

30
31 Ms. Charlton said they had received 500 CDS in a settlement of a lawsuit. Some would be
32 catalogued and put in the collection, and the duplicates would be sold.

33
34 In response to a question, Ms. Charlton said the Network costs were approximately \$80,000 per year,
35 which paid for all the Internet lines at all the County libraries, software, District person and a
36 programmer. There were 450,000 items that could be shared with all the libraries in the Network.

37
38 **ITEM NO. 3: DISCUSSION CONCERNING UPCOMING GRANT APPLICATIONS/**
39 **CURRENT GRANT UPDATES/MISCELLANEOUS COMMISSION ON CHILDREN &**
40 **FAMILIES (CCF) MATTERS:** Ms. Putman said one of the CCF focuses was early childhood
41 literacy, and there was a grant they were applying for that would address that issue. She discussed

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1 the components of the grant which focused on education, training and resources for parents and
2 child-caregivers. She discussed how this grant was linked to the services of the Library. Ms.
3 Charlton noted that the bookmobile outreach program reached 27 licensed daycare providers. The
4 grant would also include use of "literacy kits" which were developed and maintained by the Library.
5

6 Ms. Putman said they had just received a grant for \$23,000 from the Oregon Community Foundation
7 - John & Betty Gray Early Childhood Literacy Project - which would address early literacy through
8 the grant components previously mentioned. Additionally, through a partnership between CCF,
9 Tillamook School District #9 and the Tillamook County Library, the School District received a
10 "Library Technologies" grant for \$37,000 to coordinate early childhood literacy projects, purchase
11 additional library kits and conduct outreach through facility visits and consultation with child care
12 providers. The partnership was a wonderful opportunity to build linkages between partners in the
13 project and to develop school readiness skills in young children.
14

15 Ms. Putman also advised that the CCF had partnered with the Oregon Social Learning Center and
16 recently received a federal grant from the National Institute of Mental Health. She described the
17 components of the grant, which included development of a "community database" and school-based
18 early intervention approaches, which she detailed. The grant provided for CCF to hire two staff
19 people to implement the projects outlined in the grant. Based on concerns regarding hiring new
20 personnel, she was considering contracting for a person to manage the data collection, entry and
21 analysis. The .4 FTE position listed in the grant for support services would probably function best
22 if hired by CCF, due to the nature of the work. She would discuss this position with the Board in
23 the future.
24

25 Commissioner Hurliman said the hard part would be creating trust among the families, and he
26 thought CCF could be a conduit for linking families to programs and services.
27

28 Ms. Putman said the amount of the grant was \$107,041 for the first year.
29

30 There was a consensus to schedule the signing of the grant agreement with the Oregon Social
31 Learning Center for a Wednesday Board meeting.
32

33 Ms. Putman said they were not the fiscal agent for all of the grants that she brings to the Board.
34 However, they did assist others in the community by developing and/or writing grant proposals and
35 assisting with administration and implementation. She would provide the Board with a list of the
36 grants they were currently seeking and the originating agency.
37

38 **ITEM NO. 9: NON-AGENDA ITEMS: Miscellaneous Community Development Matters:** Ms.
39 Krueger addressed the FEMA grant, which was on the agenda for October 27. She said there were
40 nine structures on seven parcels; one was a house that would be raised. The other house and the
41 commercial properties had the choice of being raised, bought out for demolition or dropping out of

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1 the program completely. The last couple of appraisals were finished. The owners could withdraw
2 at any time up until the contracts were signed.

3
4 In the absence of Mr. Campbell, Ms. Krueger distributed the weekly building inspection report. She
5 would let Mr. Campbell and Ms. Phipps know the Board's concerns over Attachment D to the
6 DLCD letter.

7
8 **ITEM NO. 6: PUBLIC WORKS UPDATE:** Mr. Suko said ten years previously, the County had
9 gotten out of the rock crushing business and sold off all but two quarries in the County, one north
10 and one south. They were now receiving complaints from residents on gravel roads and from the
11 staff on the lack of maintenance on those roads. He was, therefore, starting to discuss the costs of
12 custom crushing rock from these two quarries.

13
14 Mr. Suko discussed the sanding cooperative agreement with ODOT and who paid for what.

15
16 Ms. Suko said they were getting inquiries from citizens asking them to take care of drainage issues.
17 There was a resident on Skyline Drive that constructed his yard in a drainage ditch. He discussed
18 the various issues surrounding the property and ways to solve the drainage problem, and the
19 difficulties in that particular situation.

20
21 Mr. Suko then addressed another problem on Latimer Road, where the house was lower than the
22 road. He reviewed the various solutions he had presented to the owner, and said the matter may
23 come before the Board at some point.

24
25 Chair Hanneman recessed the meeting at 9:43 a.m. And reconvened at 10:00 a.m.

26
27 **ITEM NO. 7: MANAGEMENT ANALYST UPDATE: a. Consideration of Offer to Purchase**
28 **County-Owned Property (Tax Lot 2N10 9CA 2401) Previously Offer at May 7, 2004 Land**
29 **Sale:** Mr. Levesque joined the meeting and explained the minimum bid offer to purchase the
30 property at Brighton Beach. He said the County did not often receive a full minimum bid offer on
31 these properties, and he recommended that the Board accept it.

32
33 Chair Hurliman moved to accept the offer, Chair Hanneman seconded, passed with two aye votes.

34
35 **b. Consideration of Order Declaring a Public Contract Exemption from Competitive Bidding,**
36 **pursuant to ORS 279.015 (4)(a):** Mr. Levesque explained the background and the need for the
37 order making the findings over the emergency situation to address the public contracting rules. This
38 would allow the County to then contract for the Building Official Services.

39
40 Commissioner Hurliman moved to sign the order, Chair Hanneman seconded, passed with two aye
41 votes.

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1 [Order #04-93 was signed later in the day.]

2
3 **c. Consideration of Agreement with Winstead & Associates for Building Official Services:**

4 Commissioner Hurliman moved to sign the agreement, Chair Hanneman seconded, passed with two
5 aye votes.

6
7 The Commissioners signed the Agreement with Winstead & Associates.

8
9 **Update on the OWEB Grant for Wetland Project:** Mr. Levesque said the only bid was for
10 \$589,000, and the County only had \$153,000 in grant funds remaining. He explained the value
11 engineering that was done so that each portion of the project could be done separately. He said the
12 grant application needed to be in Salem at the OWEB office by 5:00 p.m. that day. He reviewed the
13 budget he had put together, including the changes to the bid from Mr. Kuntz.

14
15 Mr. Levesque said they were asking OWEB for \$337,500; local match was \$112,500. Under the
16 local match, TEP had committed \$25,000; THEID \$15,000; County \$18,925. He explained the
17 sources the County would utilize to come up with that amount.

18
19 Mr. Levesque explained the ramifications of submitting the grant application with uncommitted
20 funds of \$53,577 remaining. Both Commissioners were unwilling to commit more money until after
21 the election outcome was known.

22
23 Mr. Labhart asked when the grant was likely to be reviewed by OWEB. Mr. Levesque discussed the
24 time line and said the County could continue to augment the application. He believed OWEB would
25 make the award in March. Mr. Labhart said he had been on the R&E Board and thought there might
26 be some funding available there.

27
28 Commissioner Hurliman moved to approve the grant application as presented by Mr. Levesque,
29 Chair Hanneman seconded, passed with two aye votes.

30
31 **ITEM NO. 8: STAFF UPDATE/CALENDAR REVIEW & SCHEDULING/AGENDA**
32 **REVIEW/ SUGGESTION BOX/INTER-OFFICE MATTERS:**

33 The Board reviewed their
34 schedules. The Executive Session the 27th would remain at 11:00 a.m. Commissioner Hurliman
35 talked about the letter to the Oregon Parks & Recreation Commission, which was meeting in Astoria.
36 Chair Hanneman said the national Director of the Bureau of Land Management would be in
37 Tillamook on the 27th, so he would attend that meeting, as well as part of the meeting at the
38 Extension office.

39 The agenda was approved as submitted.

40
41 Commissioner Hurliman referred again to the letter to the OPRD Commission. He said it would

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1 advise them that the County already addressed the snowy plover issue in the County's
2 Comprehensive Land Use Plan. He said other coastal counties would be sending similar letters.

3
4 Commissioner Hurliman moved to sign the letter, Chair Hanneman seconded, passed with two aye
5 votes.

6
7 [The letter was signed, faxed and mailed the following day.]

8
9 Ms. Wujcik said the Parks Director was reviewing grant support letters for the Board's signature.
10 She asked the Board to consider packing some of their office material in boxes prior to the new
11 carpeting being laid the week of November 15-19, when they would be attending the AOC
12 Conference.

13
14 **ITEM NO. 9: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:**

15 Nothing was discussed.

16
17 **ITEM NO. 1-: PUBLIC COMMENTS:** Mr. Meyer complimented Mr. Levesque on all his work
18 on the grant, and the Commissioners agreed.

19
20 Chair Hanneman adjourned the meeting at 10:40 a.m.

21
22 **RESPECTFULLY** submitted this 10 day of Nov, 2004.

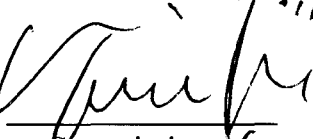
23
24 County Clerk: Tassi O'Neil

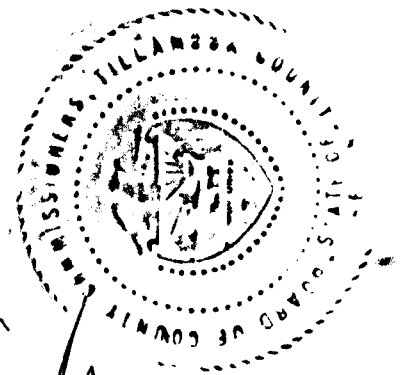
25
26 
27
28 Mary Wujcik, Recording Secretary
29 & Special Deputy

30
31 **APPROVED BY:**

32
33 
34
35 Chairperson

36
37 
Vice Chairperson


Commissioner



BOARD OF COMMISSIONERS'
STAFF MEETING
Monday, October 25, 2004

PLEASE PRINT

Name

Address

Item of Interest

JOHN GETTMAN

all

ANDREW SUTTO

#6

CRIG SCHWINE

#5

MARK ZOBZANT

all

DEL SCHLEICHERT

#4

Gus Meyer

General

Paul Levesque

#7

(Please use reverse if necessary)

CALL TO ORDER – October 25, 2004

1. **8:30 a.m.** Public Comments – Non-Agenda Items – **REQUEST TO SIGN GUEST LIST**
2. Library Update/Sara Charlton
3. Discussion Concerning Upcoming Grant Applications/Current Grant Updates/
Miscellaneous Commission on Children & Families Matters/Marlene Putman
4. Discussion Concerning Proposed New Positions in Parks Department/Del Schleichert
5. Human Resources & Information Services Update/Craig Schwinck
6. Public Works Update/Aaron Suko
7. Management Analyst Update/Paul Levesque
 - a. Consideration of Offer to Purchase County-Owned Property (Tax Lot 2N10 9CA 2401)
Previously Offered at May 7, 2004 Land Sale
 - b. Consideration of Order Declaring a Public Contract Exemption from Competitive
Bidding, Pursuant to ORS 279.015(4(a))
 - c. Consideration of Agreement with Winstead & Associates for Building Official Services
8. Staff Update/Calendar Review & Scheduling/Agenda Review/Suggestion Box/Inter-Office
Matters
9. Board Concerns, Non Agenda Items & Announcements
10. Public Comment

ADJOURNMENT

At **6:30 p.m. on Wednesday, November 10, 2004** the Commissioners will hold their weekly meeting at the Pine Grove Community Center, Laneda Avenue in Manzanita. The Commissioners' meeting will follow an Oregon Department of Transportation Open House on the STIP Program, which begins at 4:30 p.m.

Veteran's Day is an observed holiday for the County, as well as the Oregon State Circuit Court. All the offices in the Courthouse and the Administrative Section of the Justice Facility (Sheriff's Office and Parole & Probation offices) will be **CLOSED** on **Thursday, November 11, 2004**.

There will **NOT** be any Commissioners' meetings the **week of November 15-19, 2004**. The Commissioners will be attending the annual Association of Oregon Counties Conference in Portland.

The Tillamook County Courthouse and Administrative offices in the Jail & Justice Facility, will be **CLOSED** on **Thanksgiving Day, Thursday, November 25, 2004**. In addition, the County's holiday schedule and the AFSCME Union Agreement designate the Friday after Thanksgiving as a holiday. Therefore the County offices in the Courthouse and Administrative offices in the Jail & Justice Facility will be **CLOSED** on **Friday, November 26, 2004**, to allow employees this time off. However, the State Circuit Court and the Tillamook County Library will be open on Friday.



Oregon

Theodore R. Kulongoski, Governor

Public Employees Retirement System

Headquarters:
11410 S.W. 68th Parkway, Tigard, OR

Mailing Address:
P.O. Box 23700
Tigard, OR 97281-3700
(503) 598-7377
TTY (503) 603-7766
www.pers.state.or.us

October 20, 2004

MEMORANDUM

To: ETOB Advisory Committee
From: PPLAG Administrative Rules Team
Re: Equal to or Better Than ("ETOB") Issue under ORS 237.620

ETOB STATUTE AND RULE

ORS 237.620 provides that all public employers of police officers and firefighters (P & F) must participate in PERS with respect to those employees. However, ORS 237.620(4) exempts a public employer from this requirement if it provides an alternative retirement plan that is "equal to or better than" PERS' retirement benefits. A 2003 legislative change to the statute added the requirement that the Public Employees Retirement Board shall test ETOB employers every two years to determine whether the public employer complies with the "equal to or better than" requirements.

OAR chapter 459, division 030 sets out the requirements for a public employer seeking an ETOB exemption. Pursuant to these rules a public employer must petition the PERS' Board for an exemption and provide demographic information on its P & F employees. An actuarial study of the public employer's ETOB plan will be performed at the employer's expense. Upon receipt of the actuarial report and the recommendation of PERS' staff, the Board will grant or deny the employer's petition for exemption. OAR 459-030-0030 provides an opportunity for an employer whose petition is denied to amend its plan to comply with ETOB requirements. Current administrative rules are inadequate to guide the retesting process.

ETOB HISTORY

PERS has conducted four comprehensive ETOB reviews, in 1973, 1979, 1981 and 1990. The 1990 review was performed by Milliman and included 20 ETOB public employers. Only the City of Portland's plan was found to be ETOB and approved for an exemption. Of the remaining employers, three joined PERS and the remaining 16 amended their plans and were granted an exemption after Milliman retested their plans. PERS has since determined that allowing an employer who fails the ETOB test to amend its plan and be retested is not allowed under the statute. Since 1990, six of the exempt employers have either joined PERS or dissolved. Additionally, in 1991, the board granted an ETOB exemption to the City of Woodburn for its police officers; Woodburn has since brought its police officers into PERS. The ten remaining exempt public employers are: the cities of Forest Grove, Portland, Seaside, Springfield and The Dalles; the counties of Morrow, Tillamook, Union and Wheeler; and Mid-Columbia Fire and Rescue.

Following is a brief summary of the policy issues relating to ETOB testing that staff has identified thus far. These issues are presented for information and discussion purposes.

ETOB POLICY ISSUES

1. Should employers who fail the ETOB test have the option to amend their plans and make them compliant so that they may continue their exemption status?

2. What are the factors of a plan that should be compared? For example, should there be a comparison of individual "benefits" to individual "benefits" or should there be an overall "benefits scheme" to "benefits scheme" comparison?
3. Does the imposition of PERS (or OPSRP) on previously exempt employers create an unfunded mandate in violation of the state Constitution?
4. Should PERS begin identifying rural fire protection districts that are not in compliance with ORS 237.620 or instead wait until such fire districts are presented to the agency?
5. Should there be a statutory definition of "benefits"?
6. It has been suggested that employees, especially long-term employees, may be "harmed" when they go from an exempt employer's plan into PERS/OPSRP? If this is the case, what should be done to mitigate any negative impact on affected employees?
7. Should additional factors other than the statutorily required two-year period trigger an ETOB review (i.e., whistleblowers)?
8. What process should occur if an exempt employer fails the test? i.e., how does an employer who loses its exemption come into PERS or OPSRP? How is the effective date of membership determined?
9. If employers lose their exemption and are required to go into either PERS or OPSRP, what are the determining factors for whether an employer goes into PERS or OPSRP?
10. Should ETOB testing be conducted with hypothetical as well as average data sets rather than creating historical data sets?