

**POLK COUNTY BOARD OF COMMISSIONERS**

**DATE:** June 21, 2023  
**TIME:** 9:00 a.m.  
**PLACE:** Polk County Courthouse, Dallas, Oregon

**THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS AT (503-623-8173), AT LEAST 24 HOURS IN ADVANCE, OF ANY SPECIAL ACCOMMODATIONS NEEDED TO ATTEND OR TO PARTICIPATE IN THE MEETING VIRTUALLY.**

**PAGE:** **AGENDA ITEMS**

1. **CALL TO ORDER AND NOTE OF ATTENDANCE**
2. **ANNOUNCEMENTS**
  - (a) Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00am on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.
  - (b) A public meeting of the Polk County Board of Commissioners will be held on June 28, 2023, at 9:00 A.M. in the Polk County Courthouse. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2023 as approved by the Polk County Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at the Board of Commissioners office, Polk County Courthouse, between the hours of 8:00 A.M. and 5:00 P.M. This budget is for an annual budget period and is prepared on a basis of accounting that is consistent with the preceding year.
  - (c) A public meeting of the Polk County 4-H, Master Gardener, Agriculture, Forestry, Extension District will be held on June 28, 2023 at 10:00 am at Polk County Courthouse Conference Room, Dallas, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2023 as approved by the Polk County 4-H, Master Gardener, Agriculture, Forestry, Extension District Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at the Board of Commissioners Office, Polk County Courthouse, between the hours of 8:00 a.m. and 5:00 p.m. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same used the preceding year.
  - (d) The Grand Ronde Sanitary District Board is meeting on June 21, 2023 at 9:15 a.m. The meeting will take place in the Polk County Courthouse, 850 Main Street, Dallas, OR, 97338.
3. **COMMENTS (for items not on this agenda)**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF THE MINUTES FROM June 14, 2023**
6. **APPROVAL OF THE CONSENT CALENDAR**
7. **YEAR END MODIFICATIONS FY2022-2023 BUDGET & RESOLUTION 23-07 – Greg Hansen**

**CONSENT CALENDAR**

- a) Polk Count Contract No. 23-102, Employment Contract  
(Greg Hansen, Administrative Officer)

**THE BOARD OF COMMISSIONERS WILL MEET IN EXECUTIVE SESSION  
PURSUANT TO ORS 192.660.**

**ADJOURNMENT**

**POLK COUNTY BOARD OF COMMISSIONERS**  
**MINUTES June 14, 2023**

**1. CALL TO ORDER & ATTENDANCE**

At 9:00 a.m., Commissioner Gordon declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Pope and Commissioner Mordhorst were present.

Staff present: Greg Hansen, Administrative Officer  
Matt Hawkins, Administrative Services Director

**2. ANNOUNCEMENTS**

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principle subjects anticipated to be considered. Pursuant to ORS 192.640, The Board may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00 a.m. on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.

The Homeless Prevention Advisory Council will be meeting on June 14, 2023 from 12:00 pm to 1:30 pm located in the first floor conference room at 182 SW Academy St, Dallas Oregon, 97338.

A public meeting of the Polk County Board of Commissioners will be held on June 28, 2023, at 9:00 A.M. in the Polk County Courthouse. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2023 as approved by the Polk County Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at the Board of Commissioners office, Polk County Courthouse, between the hours of 8:00 A.M. and 5:00 P.M. This budget is for an annual budget period and is prepared on a basis of accounting that is consistent with the preceding year.

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The Grand Ronde Sanitary District Board is meeting on June 21, 2023 at 9:15 a.m. The meeting will take place in the Polk County Courthouse, 850 Main Street, Dallas, OR, 97338.

**3. COMMENTS**

None.

**4. APPROVAL OF AGENDA**

Commissioner Gordon stated that there would be two add on items for todays agenda.

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER MORDHORST SECONDED,  
TO APPROVE THE AGENDA WITH ADD ONS.**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**5. APPROVAL OF MINUTES OF BOARD MEETING OF June 7, 2023**

**MOTION: COMMISSIONER MORDHORST MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE MINUTES OF June 7, 2023.**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**6. APPROVAL OF CONSENT CALENDAR**

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE CONSENT CALENDAR.**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**7. POLK COUNTY CONTRACT NO 23-98**

Greg Hansen, Administrative Officer, stated that there needs to be an add on for a contract that was received yesterday afternoon from the Polk County Public Health Department. It is Polk County Contract No. 23-98 (Amendment No. 13 to Contract No. 21-105) and Amendment 13 awards \$50,0000 to Universal Home Visiting - one-time funds to be spent by 6/30/23 to assist in recruitment/retention of home visiting nurse and \$42,209 in CDC PH Infrastructure Funding. Per amendment language, these funds are for 12/1/22 to 6/30/23

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER MORDHORST SECONDED, TO SIGN CONTRACT NO 23-98.**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**8. CTGR/ODFW MOU LETTER OF SUPPORT**

Commissioner Gordon presented a drafted letter of support for the Confederated Tribes of Grand Ronde (CTGR) and the Oregon Tribes who have been working collaboratively with the Oregon Department of Fish and Wildlife (ODFW) on hunting and fishing agreements. The agreement is set to go before the ODFW Commission Friday June 15, 2023 and they are requesting that the Board sign a letter of support. Commissioner Mordhorst stated that he wants to support this, however, he has hesitations and explained his reasons why. Commissioner Pope stated that he does not support this letter and explained his reasons why. Commissioner Mordhorst stated he would like to see a presentation to gather more info. Commissioner Gordon stated that he will reach out to them to coordinate that. The letter was not signed.

**9. LENGTH OF SERVICE AWARDS – Matt Hawkins**

The Polk County Board of Commissioners and staff recognized the following employees for their length of service:

- Tina Andersen, 25 years of service
- Jeff Isham, 15 years of service
- Micky Roberts, 15 years of service
- Debbie Seals, 15 years of service
- Jared Vorhees, 10 years of service

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- a) Polk County Contract No. 23-92, Oregon Department of Human Services  
(Stephanie Gilbert, Family & Community Outreach)
- b) Notice of Election Canvass, May 16 2023 Special District Election  
(Cole Steckley, Chief Elections Clerk)
- c) Polk County Contract No. 23-94, Building Codes Division  
(Valerie Patoine, Assessor)
- d) Polk County Contract No. 23-95, US Dept of Transportation, Federal Highway  
Admin, Western Federal Land  
(Todd Whitaker, Public Works Director)
- e) Polk County Contract No. 23-96, ODOT  
(Todd Whitaker, Public Works Director)

There was no need for an executive session and Commissioner Gordon adjourned the meeting at 9:09 a.m.

**POLK COUNTY BOARD OF COMMISSIONERS**

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Jeremy Gordon, Chair

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Craig Pope, Commissioner

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Lyle Mordhorst, Commissioner



# INTEROFFICE MEMORANDUM

POLK COUNTY COURTHOUSE

**TO: BOARD OF COMMISSIONERS**

**FROM: GREG HANSEN, BUDGET OFFICER**

**DATE: JUNE 16, 2023**

**SUBJECT: YEAR END MODIFICATIONS - 2022-2023 BUDGET**

## RECOMMENDATION:

The Board of Commissioners approve Resolution 23-07 in the matter of increasing appropriations and transferring appropriations within multiple funds for fiscal year 2022-2023.

## ISSUE:

Should the Board approve Resolution 23-07, modifications in appropriations for the County budget for fiscal year 2022-2023?

## BACKGROUND:

Each year the County modifies the current budget through resolution. Prior to the end of the fiscal year, the Budget Officer will make final year-end adjustments to the current budget to prevent violating Oregon budget law (overspending appropriation authority, negative fund balances, etc.).

Resolution 23-07 is the year end budget adjustments which I am recommending for approval.

A brief explanation for these proposed modifications are as follows: **General Fund:** 1) **Clerk - Elections** an increase in appropriations associated with costs associated with line items within materials & services, 2) **District Attorney – Support Enforcement** – cost overruns in personal services, 3) **Sheriff – Jail** – an increase in materials and services related to facility improvements to the jail, 4) **Emergency Management** – an increase in appropriations as a result of excess costs in materials & services, 5) **Transfer to Dog Control Fund** – an increase of \$15,000 to address personal services cost overruns, 6) **Transfer to Law Library** – an increase of \$8,000 to cover materials & services costs, 7) **Transfer to Health Services (FCO)** - an increase of \$200,000 to cover operational costs, 8) **Transfer to Veteran's Services Fund** - an increase of \$15,000 to cover operational costs, 9) **Transfer to Insurance Fund** – an increase of \$100,000 to address materials and services costs, 10) **General Fund - Contingency** - a decrease in the fund operating contingency in the amount of \$933,000, 11) **Building Inspection Fund** - increase in appropriations for the Building Inspection program and a corresponding decrease in contingency in the amount of \$30,000 12) **Public Works Fund**- increase in appropriations due to cost overruns in materials & services in the Shops Division, and cost overruns in personal services in the Survey division, along with a balancing decrease in contingency (\$70,000), 13) **Dog Control Fund** - increase in resources and appropriations as a result of the transfer in the amount of \$15,000, 14) **Law Library Fund** – increase in resources and appropriations as a result of the transfer in the amount of \$8,000, 15) **Health Services Fund** – increase in resources and appropriations in the amount of \$400,000 as a result of a General Fund transfer and increased charges for

services with appropriation increases in both Human Services Admin. And Family & Community Outreach in the amounts of \$200,000 each. 16) **Public Health Fund** - increase in appropriations for the WIC program and a corresponding decrease in contingency in the amount of \$30,000, 17) **Behavioral Health Fund** - increase in appropriations for the Addictions program and a corresponding decrease in contingency in the amount of \$300,000, 18) **Fair Fund** - -- increase in appropriations and resources as a result of increased grant monies (\$60,000) from the State of Oregon and corresponding increases in Annual Fair (\$10,000) and Year Around Operations (\$50,000), 19) **Veteran's Services Fund** – increase in appropriations and resources as a result of a General Fund transfer (\$15,000), 20) **Management Services Fund** – an increase in appropriation levels in Jail Maintenance, Information Services, Finance, Personnel, and County Legal Counsel and a corresponding reduction in the Special Projects (\$220,000), and 21) **Insurance Fund** - increase in appropriations and resources as a result of a General Fund transfer (\$100,000), .

#### **ALTERNATIVES:**

The following are alternatives:

1. Approve the resolution as proposed.
2. Modify the resolution to increase or decrease appropriation modifications.
3. Modify the resolution to eliminate the appropriations which are being made strictly for appropriation authority and do a supplemental budget on those individual funds. Requires advertising costs for public notice. This action would give the County the same results as the resolution.
4. Not approve a resolution. This action will cause the County to violate Oregon budget law.

#### **FISCAL IMPACT:**

The cost associated with these budget modifications are a reductions of \$933,000 in the General Fund Contingency, Public Works (\$70,000), Public Health (\$30,000) Behavioral Health Fund (\$300,000) and Management Services (\$220,000). The County's overall budget will increase by \$598,000.

**BEFORE THE BOARD OF COMMISSIONERS  
FOR POLK COUNTY, OREGON**

In the matter of Increasing Revenues,	)
Appropriations and Transferring Appropriations	)
within the General Fund, and	)
	)
Increasing Resources and Appropriations in the	)
Dog Control Fund, Law Library Fund, Veteran's	)
Services Fund and Insurance Fund with a transfer	)
from the General Fund, and	)
	)
Increasing Resources and Appropriations in the	)
Health Services Fund with a transfer from the	)
General Fund and other sources, and	)
	)
Increasing Resources and Appropriations in the	)
Fair Fund, and	)
	)
Increasing Appropriations in the Building Inspection	)
Fund, Public Works Fund, Public Health Fund,	)
Behavioral Health Fund and Management Services	)
Fund, and	)
	)
All adjustments relate to the 2022-2023	)
Fiscal Year	)

**RESOLUTION NO. 23-07**

WHEREAS, the above matter came before the Polk County Board of Commissioners in regular session on June 21, 2023; and

WHEREAS, the General Fund of Polk County incurred unexpected materials & services expenses related security improvements and holding elections in the Clerk – Elections division (\$60,000), cost overruns in personal services in District Attorney – Support Enforcement (\$10,000), cost overruns associated with special projects in the Sheriff's Office – Jail (\$275,000), unanticipated expenses in materials and services related to communications in the Emergency Management (\$250,000), unexpected increases in Transfers to the Dog Control Fund (\$15,000), Law Library Fund (\$8,000), Health Services Fund (FCO) (\$200,000), Veteran's Services Fund (\$15,000) and Insurance Fund (\$100,000); and a corresponding reduction (\$933,000) in the operating Contingency to balance the budget; and

WHEREAS, the Building Inspection Fund requires an increase in appropriations in the amount of \$20,000 to address cost overruns in personal services and a corresponding reduction in Operating Contingency (\$20,000); and

WHEREAS, the Public Works Fund requires an increase in appropriations in a couple of divisions due to

unexpected expenditures. Increases in the Shops (\$50,000) and Survey (\$20,000) and the corresponding reduction in Operating Contingency (\$70,000); and

WHEREAS, the Dog Control Fund requires an increased General Fund transfer to materials & services costs in the amount of \$15,000 which increase both resources and appropriations; and

WHEREAS, the Law Library Fund requires an increased General Fund transfer to materials & services costs in the amount of \$8,000 which increase both resources and appropriations; and

WHEREAS, the Health Services Fund requires an increase in appropriations and revenues as a result of a General Fund transfer and additional charges for services in the amount of \$400,000 to be allocated to the Human Services Administration (\$200,000) and the Family & Community Outreach (\$200,000) to balance the budget; and

WHEREAS, the Public Health Fund requires an increase in appropriations in the WIC program to cover unanticipated expenses, and the corresponding reduction in Operating Contingency (\$30,000) to balance the budget; and

WHEREAS, the Behavioral Health Fund requires an increase in appropriations in the Addictions program to cover unanticipated expenses, and the corresponding reduction in Operating Contingency (\$300,000) to balance the budget; and

WHEREAS, the Fair Fund requires an increase in appropriations and revenues as a result of increased State grant monies in the amount of \$60,000 to be allocated to the Annual Fair (\$10,000) and the Year Around Operation (\$50,000) to balance the budget; and

WHEREAS, the Veteran's Services Fund will receive a \$15,000 General Fund transfer which will increase both revenues and appropriations to cover costs associated with operations in the amount of \$15,000; and.

WHEREAS, the Management Services Fund had additional expenditures in five (5) programs requiring additional appropriations; cost overruns in personal services in the Jail Maintenance (\$10,000), cost overruns in materials and services in Information Services (\$30,000) unanticipated expenses in personal services for the Finance program (\$10,000), and unexpected expenses in materials & services for the Personnel program (\$160,000), personal services cost overruns in County Legal Counsel (\$10,000) and a corresponding decrease in Special Projects – Non-departmental to balance the budget (\$220,000); and

WHEREAS, the Insurance Fund will receive a \$100,000 General Fund transfer which will increase both revenues and appropriations to cover costs associated with operations in the amount of \$100,000; and

WHEREAS, ORS 294.450 (1)(3) provides the authority for transfer of appropriations within a given fund or from the General Fund to any other fund when authorized by official resolution of the governing body; and ORS 294.326 (3) provides authority for the expenditure of grants, gifts, bequests or devises transferred to a municipal corporation in trust for specific purposes after the enactment of a resolution authorizing the expenditure; and ORS 294.470 (4) provides the authority to increase appropriations in an internal service fund; now, therefore,

IT IS HEREBY RESOLVED that the Board of Commissioners, County of Polk, adopt this resolution in full in the amounts shown below:



**GENERAL FUND – 100**

**Total Requirements** **\$ 32,466,100**

Clerk - Elections (130)  
Increase from \$411,068 to \$471,068 60,000

District Attorney – Support Enforcement (415)  
Increase from \$465,337 to \$475,337 10,000

Sheriff – Jail (435)  
Increase from \$7,194,699 to \$7,469,699 275,000

Emergency Management (440)  
Increase from \$705,118 to \$955,118 250,000

**Transfers:**

Dog Control Fund (220)  
Increase from \$125,000 to \$140,000 15,000

Law Library Fund (230)  
Increase from 20,000 to \$28,000 8,000

Health Services Fund (260)  
Increase from \$150,000 to \$350,000 200,000

Veteran’s Services Fund (254)  
Increase from \$105,000 to \$120,000 15,000

Insurance Fund (620)  
Increase from \$0 to \$100,000 100,000

Fund Operating Contingency  
Decrease from \$3,924,887 to \$2,991,887 (933,000)

**TOTAL ADJUSTED REQUIREMENTS** **\$ 32,466,100**

**BUILDING INSPECTION FUND (110)**

**Total Requirements** **\$ 1,000,000**

Building Inspection (325)	
Increase from \$800,000 to \$820,000	20,000

Fund Operating Contingency	
Decrease from \$200,000 to \$180,000	(20,000)

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 1,000,000</u></b>
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**PUBLIC WORKS FUND (210)**

<b><u>Total Requirements</u></b>	<b><u>\$ 12,892,000</u></b>
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Public Works – Shops (620)	
Increase from \$709,486 to \$759,486	50,000

Public Works – Survey (650)	
Increase from \$447,696 to \$467,696	20,000

Contingency (610)	
Decrease from \$3,061,028 to \$2,991,028	(70,000)

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 12,892,000</u></b>
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**DOG CONTROL FUND (220)**

<b><u>Total Requirements</u></b>	<b><u>\$ 215,000</u></b>
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Dog Control (220)	
Increase from 215,000 to 230,000	15,000

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 230,000</u></b>
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**LAW LIBRARY FUND (230)**

<b><u>Total Requirements</u></b>	<b><u>\$ 80,000</u></b>
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Law Library (230)	
Increase from \$80,000 to 88,000	8,000

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 88,000</u></b>
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**HEALTH SERVICES FUND (260)**

<b><u>Total Requirements</u></b>	<b><u>\$ 6,160,000</u></b>
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Human Services Administration (510)	
Increase from \$1,984,748 to \$2,184,748	200,000

Family and Community Outreach (582)	
Increase from \$4,175,252 to \$4,375,252	200,000

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 6,560,000</u></b>
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**PUBLIC HEALTH FUND (235)**

<b><u>Total Requirements</u></b>	<b><u>\$ 3,922,500</u></b>
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WIC (528)	
Increase from \$342,638 to \$372,638	30,000

Fund Operating Contingency	
Decrease from \$264,523 to \$234,523	(30,000)

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 3,922,500</u></b>
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**BEHAVIORAL HEALTH FUND (240)**

<b><u>Total Requirements</u></b>	<b><u>\$ 31,841,000</u></b>
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Addiction Program (535)	
Increase from \$1,506,985 to \$1,806,985	300,000

Fund Operating Contingency	
Decrease from \$4,117,850 to \$3,817,850	(300,000)

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 31,841,000</u></b>
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**VETERAN'S SERVICES FUND (254)**

<b><u>Total Requirements</u></b>	<b><u>\$ 300,000</u></b>
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Veteran's Services Fund (254)	
Increase from \$300,000 to \$315,000	15,000

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 315,000</u></b>
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**FAIR FUND (260)**

<b><u>Total Requirements</u></b>	<b><u>\$ 832,000</u></b>
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Annual Fair (710)	
Increase from \$209,512 to \$219,512	10,000

Year Around Operation (720)	
Increase from \$697,488 to \$747,488	50,000

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 892,000</u></b>
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**MANAGEMENT SERVICES FUND (610)**

<b><u>Total Requirements</u></b>	<b><u>\$ 8,250,000</u></b>
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Jail Maintenance. (817)	
Increase from \$427,658 to \$437,658	10,000

Information Services (825)	
Increase from \$1,595,338 to \$1,625, 338	30,000

Finance (850)	
Increase from \$846,692 to \$856,692	10,000

Personnel (855)	
Increase from \$493,877 to \$653,877	160,000

County Legal Counsel (870)	
Increase from \$181,976 to \$191,976	10,000

Special Projects Reserve (195)	
Decrease from \$566,661 to \$346,661	(220,000)

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 8,250,000</u></b>
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**INSURANCE FUND (254)**

<b><u>Total Requirements</u></b>	<b><u>\$ 1,025,000</u></b>
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Insurance Fund (840)	
Increase from \$1,025,000 to \$1,125,000	100,000

<b>TOTAL ADJUSTED REQUIREMENTS</b>	<b><u>\$ 1,125,000</u></b>
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Dated this 21st day of June, 2023 at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS

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Jeremy Gordon, Chair

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Craig Pope, Commissioner

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Lyle Mordhorst, Commissioner

Approved as to Form:

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Morgan Smith, County Counsel

## **EMPLOYMENT AGREEMENT**

This Agreement, is between POLK COUNTY, a political subdivision of the State of Oregon, through its Board of Commissioners, and Morgan Smith, hereafter referred to as "Smith".

WHEREAS, Polk County is desirous of engaging the services of Smith as the County Counsel for the County, and Smith is desirous of providing such services;

NOW, THEREFORE, IT IS AGREED:

### **Section 1. Employment**

In consideration of the salary payments and other benefits to Smith hereafter described, Smith agrees to act as the County Counsel for Polk County, and to carry out to the best of his ability all the duties imposed on him by Polk County through its Board of Commissioners and contained in the County Counsel's job description, attached hereto, subject to modifications by the Administrative Officer after consultation with the Board of Commissioners; and such other duties as the County from time to time may require of him, to the reasonable satisfaction of the County.

### **Section 2. Term of Agreement, Termination, Severance Pay**

(a) The term of this Agreement shall be for a period beginning at the time of signature through June 30, 2026. Each party is obligated to give the other 60 days notice in writing prior to termination of this Agreement. Nothing in this Agreement prevents, limits or otherwise interferes with the right of the Board of Commissioners to terminate the services of Smith at any time and for any reason the Board, in its sole discretion, deems appropriate and sufficient.

(b) Should Smith's employment be terminated by the Board of Commissioners within the term of this agreement for any reason other than those enumerated in paragraph (c) of this section, Smith will be entitled to six (6) full months of salary as severance pay paid out in monthly increments, along with one month's coverage of health benefits/life insurance.

(c) Smith is not entitled to severance pay described in paragraph (b) of this section if dismissed for:

- (1) Conviction of a felony;
- (2) Conviction of any other crime which involves moral turpitude or which, in the sole judgement of the Board of Commissioners, reflects discredit on Polk County;
- (3) Violation of any ethical standard imposed by Polk County ordinance, resolution, order or State of Oregon statutes and regulations; and
- (4) Malfeasance in office or willful or wanton neglect of duty.

### **Section 3. Compensation**

Smith shall be compensated at a salary of \$12,400 per month beginning July 1, 2023.

Smith shall receive the same (COLA) salary adjustment that other Non-represented employees of the County receive.

### **Section 4. Benefits Generally**

All provisions of the Polk County Personnel Rules relating to vacation, sick leave, holidays and other fringe benefits and working conditions as they now exist, or may hereafter be amended, shall apply to Smith as they would to any unclassified employee, except as otherwise stated in this Agreement. This position is salary exempt.

### **Section 5. Personal Leave**

Polk County agrees to ten (10) additional days of personal leave per year to be used each fiscal year. Personal leave days shall not carry over from one fiscal year to another.

### **Section 6. Expenses**

Polk County shall pay Smith \$300 per month for expenses. In return, Smith shall not apply to Polk County for mileage reimbursement or meal reimbursement. Lodging and any conference expenses related to CLE's shall be paid by the County, including but not limited to the County Counsel conference.

### **Section 7. Waiver or Modification**

No waiver or modification of this Agreement or any part thereof shall be valid unless in writing and duly executed by the parties hereunder. No evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration or litigation between the parties arising out of or affecting this Agreement or the rights or obligations of the parties hereunder, unless such waiver or modification is in writing, duly executed by the parties. The parties further agree that the provisions of this section shall not be waived.

### **Section 8. Disputes**

All disputes shall be decided by Administrative Officer and/or designee. All such decisions are final.

### **Section 9. Severability**

If any provision or any portion thereof contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

## Section 10. Governing Law

This contract shall be construed and interpreted for all purposes as executed in the State of Oregon, and subject to the laws of the State of Oregon.


IN WITNESS WHEREOF, the parties have executed this Agreement on the 21<sup>st</sup> day of June, 2023.

## POLK COUNTY BOARD OF COMMISSIONERS

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Jeremy Gordon, Chair

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Craig Pope

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Lyle Mordhorst

  
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Morgan Smith