

TUESDAY WORK SESSION AGENDA
November 26, 2024
Courthouse Conference Room

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

**Approximate
Time**

AGENDA

- | | |
|-----------|---|
| 9:00 a.m. | 1. CALL TO ORDER – PLEDGE OF ALLEGIANCE |
| | 2. COMMENTS (for items not on this agenda and limited to 3 minutes) |
| | 3. APPROVAL OF THE AGENDA |
| | 4. APPROVE MINUTES OF November 5, 2024 |
| | 5. INITIATION OF A LEGISLATIVE AMENDMENT – Eric Knudson |
| | 6. POLK COUNTY TREASURER DISCUSSION – Steve Milligan |
| | 7. NON-LISTED ITEMS (Pursuant to ORS 192.640) |

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The meetings are held in the Board of Commissioners' 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 of Commissioners 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, Oregon.

APPEARANCE OF INTERESTED CITIZENS

The Board sets aside a time at each regular meeting for comment by the public on subjects not appearing on the Agenda. Individuals may come forward and make any statement they wish, but not to exceed three (3) minutes in length, except as is required to give concise answers to questions from Board members. If the subject will require a lengthier presentation, or merits inclusion as an item on the Agenda of a future meeting, the Board shall schedule it accordingly.

POLK COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING MINUTES
November 5, 2024

1. At 9:00 a.m., Commissioner Pope declared the Tuesday meeting of the Polk County Board of Commissioners in session and led the Board and attending audience in the Pledge of Allegiance. Commissioner Gordon and Commissioner Mordhorst were present.

2. COMMENTS (for items not on this agenda):

Robert Greenway provided public comment in regards to his comments during the last meeting and wanting to respond to something that Commissioner Pope had said. Mr. Greenway read aloud the definitions for select words he chose to refer to the Board with.

Mandy Straus provided public comment following up on statements that she read aloud during the meetings held last week and gave a new printout to Nicole Pineda, Executive Assistant to the Board, but stated that she would return tomorrow to finish reading the statement.

3. AGENDA: **COMMISSIONER MORDHORST MOVED, COMMISSIONER GORDON
SECONDED TO APPROVE THE AGENDA.**

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

3. MINUTES: **COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST
SECONDED TO APPROVE THE MINUTES OF October 29, 2024**

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

4. APPEAL FOR PLANNING FILE CU 24-14

Hannah Brickner, Community Development Associate Planner, stated that she was here today to discuss an appeal for Planning File CU 24-14 with the Board. Ms. Bricker provided background information on the file and stated that Staff recommends that the Board of Commissioners set this matter for a hearing before the Polk County Hearings Officer.

**COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST
SECONDED TO SET THE MATTER BEFORE THE HEARINGS OFFICER.**

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

5. COMMUNITY STRATEGY SESSION

Tim Sinatra and Shawn Irvine introduced themselves and Mr. Irvine gave an explanation of why they were here before the Board today. Next Mr. Sinatra went over a power point presentation for the Board. The presentation went over a community assessment, the participating partners, a social impact evaluation, key questions, purpose statement, vision statement, service delivery model, their target population, the priority program service areas/objectives, design for impact and how they plan to measure success for the community and individuals. Commissioner Mordhorst asked what their plan is to move forward and how are they going to integrate moving forward with what

Family & Community Outreach has already put into place through the Polk Resource Center and Mr. Sinatra answered his question. Commissioner Gordon thanked them for both coming to share all this information and said he did have some concerns that they would be duplicating programs that have already been created through FCO, he recommends that moving forward that they try and focus on where the gaps are. Commissioner Pope asked who owns the pool and they stated that the city owns it. Commissioner Pope asked who was running the pool and they stated that the Y was staffing and running. Commissioner Pope asked why had the pool shut down and they stated that the boiler had shut down and the cost to fix it was too high to fix and maintain. Commissioner Pope stated that his concern with what they are trying to do or what he thinks the community is going to wonder is why aren't they getting their pool back instead of duplicating these community resources. Mr. Irvine responded to his concerns and said he appreciates that feedback. The Commissioners thanked them both for their time and for presenting today.

6. NON-LISTED ITEMS - (Pursuant to ORS 192.640, the Board of Commissioners considered the below identified non-listed items.)

Commissioner Gordon wanted to respond to a comment that was made during the public comment period and to clarify that their involvement or lack of involvement with the sheriff's office investigations. Commissioner Gordon stated that they have no involvement whatsoever when it comes to active or inactive investigations.

Commissioner Pope adjourned the meeting at 9:42 a.m.

Minutes: Nicole Pineda
Approved: November 26, 2024



POLK COUNTY

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338
(503) 623-9237

COMMUNITY DEVELOPMENT

AUSTIN MCGUIGAN
Director

MEMORANDUM

TO: Board of Commissioners
FROM: Eric Knudson, Senior Planner
DATE: November 18, 2024
SUBJECT: Initiation of a Legislative Amendment to amend the text of the Polk County Zoning Ordinance

Tuesday, November 26, 2024

RECOMMENDATION:

Direct staff to initiate a Legislative Amendment process to amend the text of the Polk County Zoning Ordinance (PCZO) to allow for Accessory Dwelling Units (ADUs) on lands located outside of an Urban Growth Boundary (UGB) and within the following zones:

- Suburban Residential (SR)
- Acreage Residential-Five Acre (AR-5)
- Acreage Residential-Ten Acre (AR-10)
- Agriculture and Forestry-Ten Acre (AF-10)
- Single-Family Residential (RS)
- Grand Ronde Low Density Residential (GR/LDR)

ISSUE:

Should Polk County initiate a Legislative Amendment process to amend the PCZO in order to allow for ADUs on properties located outside of a UGB and within the rural residential zones listed above?

BACKGROUND:

ADUs are currently allowed in residential zones within a UGB in Polk County, subject to compliance with PCZO Chapter 118. The current standards for ADUs are listed in PCZO 118.030, which states:

ACCESSORY DWELLING UNITS WITHIN AN UGB. An accessory dwelling unit shall be allowed on a unit of land located within an UGB that is zoned for single family residential uses and contains a primary dwelling. Accessory dwelling units shall comply with the standards set forth in this section. Where the standards in this section conflict with other standards in the PCZO, the standards in this section shall be the applicable standard. Standards for accessory structures elsewhere in the PCZO shall not apply to accessory dwelling units. Accessory dwelling units within a UGB are permitted in the SR, AR-5, AR-10, AF-10, and RS zones provided:

- (A) **One accessory dwelling unit shall be allowed for each detached single-family dwelling.**

(B) Accessory dwelling units:

- (1) Shall not exceed 900 square feet, or 75 percent of the main dwelling's perimeter area, whichever is less.**
- (2) The maximum height of a detached accessory dwelling unit shall be 25 feet.**
- (3) May not be a manufactured dwelling.**
- (4) Must comply with all State building code requirements for a residence.**
- (5) Shall comply with the underlying zone's development standards for main dwellings, unless otherwise specified.**

(C) The main dwelling shall have an approved septic repair area, or shall be located within 300 feet of a sanitary sewer line.

(D) Detached accessory dwelling units shall not be allowed within a front yard area.

In 2018, House Bill (HB) 4034 was enacted, which required Polk County to allow for ADUs on lands zoned for residential use and located within a UGB. The development standards listed above were created by Polk County through a Legislative Amendment process and were adopted in 2018 by Polk County Ordinance 18-02. The adoption of PCZO Chapter 118 satisfied the requirements found in HB 4034 and Oregon Revised Statute (ORS) 197A.425.

Senate Bill (SB) 391 (2021) and SB 644 (2023) recently amended ORS 215.495 to allow for ADUs on lands located outside of a UGB within an "area zoned for rural residential use." ORS 215.495(1)(b) and ORS 215.501 define an "area zoned for rural residential use" as:

"land that is not located inside an urban growth boundary as defined in ORS 197.015 and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use."

Lands in Polk County that are not subject to Statewide Planning Goals 3 and 4 (Agricultural and Forest Lands) and are zoned for rural residential use are identified on the Comprehensive Plan Map under the 'Rural Lands' and 'Unincorporated Community Residential' designations. These designations include the following zones:

- Suburban Residential (SR)
- Acreage Residential-Five Acre (AR-5)
- Acreage Residential-Ten Acre (AR-10)
- Agriculture and Forestry-Ten Acre (AF-10)
- Single-Family Residential (RS)
- Grand Ronde Low Density Residential (GR/LDR)

In contrast to ORS 197A.425, which pertains to ADUs within a UGB, ORS 215.495 has specific development standards related to the siting of an ADU. These standards are more stringent than those standards listed in PCZO 118.030. The standards outlined in ORS 215.495 include, but are not limited to:

- **The lot or parcel is at least two acres in size;**
- **One single-family dwelling is sited on the lot or parcel;**
- **The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling;**
- **If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland-urban interface, the lot or parcel**

and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;

- **The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**
 - **The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or**
 - **No statewide wildfire hazard map has been adopted; and**
- **A county may not allow an accessory dwelling unit allowed under this section to be used for vacation occupancy, as defined in ORS 90.100.**
- **A county that allows construction of an accessory dwelling unit under this section may not approve:**
 - **A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.**
 - **Construction of an additional accessory dwelling unit on the same lot or parcel.**

ORS 215.495 is not mandated to be adopted by the County. ORS 215.495(7) states:

“Nothing in this section requires a county to allow any accessory dwelling units in areas zoned for rural residential use or prohibits a county from imposing any additional restrictions on accessory dwelling units in areas zoned for rural residential use, including restrictions on the construction of garages and outbuildings that support an accessory dwelling unit.”

If adopted, Polk County must, at a minimum, conform to the specific standards listed in ORS 215.495, but may adopt additional standards to be more restrictive than Statute. Initiating this Legislative Amendment would provide the Planning Commission (PC) and the Board of Commissioners (BOC) an opportunity to consider and deliberate on text changes to PCZO Chapter 118 and corresponding zoning chapters that would allow the establishment of an ADU. Upon initiation of this Legislative Amendment, public hearings before the PC and the BOC would be scheduled in order to receive public testimony, evaluate potential text changes to the PCZO, and make a final local decision regarding the Legislative Amendment.

Staff concludes that updating the text of the PCZO to incorporate the standards of ORS 215.495 would be in the public interest and would be of general public benefit because it would afford property owners additional property rights authorized by the State, create additional employment opportunities within the County, and provide additional housing.

DISCUSSION / ALTERNATIVES:

1. Find that the proposed Legislative Amendment would be in the public interest and would be of general public benefit and initiate the Legislative Amendment process to make these changes; or
2. Other.

FISCAL IMPACTS:

Fiscal impacts to Polk County include staff time necessary to prepare an ordinance and updated sections of the PCZO.



Pineda, Nicole <pineda.nicole@co.polk.or.us>

Fwd: Commissioners meeting 11/26/2024

1 message

Pineda, Nicole <pineda.nicole@co.polk.or.us>

Fri, Nov 22, 2024 at 1:35 PM

Bcc: Lyle Mordhorst <mordhorst.lyle@co.polk.or.us>, CRAIG POPE <POPE.CRAIG@co.polk.or.us>, Jeremy Gordon <gordon.jeremy@co.polk.or.us>, Greg Hansen <hansen.greg@co.polk.or.us>, Katlyn D'Agostini <dagostini.katlyn@co.polk.or.us>, Matt Hawkins <hawkins.matt@co.polk.or.us>

----- Forwarded message -----

From: **Milligan, Steve** <milligan.steve@co.polk.or.us>

Date: Fri, Nov 22, 2024 at 1:33 PM

Subject: Fwd: Commissioners meeting 11/26/2024

To: Pineda, Nicole <pineda.nicole@co.polk.or.us>

Nicole,

I have attached documents for inclusion in the packet.

Thanks

Steve

----- Forwarded message -----

From: **Steve Milligan** <milligansv@gmail.com>

Date: Fri, Nov 22, 2024, 12:49 PM

Subject: Commissioners meeting 11/26/2024

To: <milligan.steve@co.polk.or.us>

--
Steve Milligan
503-269-1373
milligansv@gmail.com

--
Nicole Pineda
Executive Assistant to the
Board of Commissioners
Pineda.nicole@co.polk.or.us
503.623.8173



4 attachments



Chief Treasurer Clerk - 998.doc
137K

 **Greg memo 12-30-2015.pdf**
995K

 **Milligan Judgment.pdf**
638K

 **Administrative Officer - 299.doc**
133K



POLK COUNTY CLASS SPECIFICATION
CHIEF TREASURER CLERK

Class Spec. Number: 998
Representation: AFSCME
FLSA Status: Non-Exempt
Salary Range: 35B

GENERAL STATEMENT OF DUTIES: Performs and organizes accounting and clerical activities relating to either the treasurer or functions of the Treasury Department; authority to act on behalf of the Treasurer in his/her absence.

SUPERVISION RECEIVED: Works under the direction of the Treasurer who outlines objectives and policies, and reviews work for results obtained.

SUPERVISION EXERCISED: Supervision of other employees is not typically a responsibility of this position.

PRINCIPAL DUTIES: An employee in this classification may perform any of the following duties. However, these examples do not include all of the specific tasks which an employee may be expected to perform.

1. Receipts incoming money and maintains accounts and records of all monies received and disbursed by the County Treasurer; prepares bank deposits.
2. Maintains cash account records and prepares fiscal reports for County department funds, trust accounts and taxing districts.
3. Maintains and reconciles bank statements.
4. Invests County funds, usually as directed by the County Treasurer; researches investment alternatives and makes recommendations to the Treasurer as requested.
5. Distributes tax collections and other revenues, such as interest to school districts and other taxing districts; maintains appropriate records.
6. Responds to inquiries from the public, County departments and taxing districts regarding functions of the Treasury department.
7. Maintains appropriate records and prepares reports related to departmental activities/functions.
8. Acts in the capacity of the County Treasurer for the area of assigned responsibility in his/her absence. Coordinate investment and movement of funds in absence of Treasurer.
9. Trains and assigns work as necessary to support staff.

EMPLOYMENT QUALIFICATIONS:

Knowledge of: accounting principles, practices and techniques; funds management procedures including investments and banking practices and methods; laws, rules, and regulations related to municipal funds management and County investment policy; computer processes and capabilities; office practices and procedures.

Ability to: communicate effectively both verbally and in writing; deal courteously and tactfully with the general public; interpret and apply laws and regulations pertaining to Treasurer functions; make complex mathematical computations and calculations with speed and accuracy; handle cash transactions; make decisions independently in accordance with established policies and procedures; and use initiative and judgment in completing tasks and responsibilities.

EDUCATION, EXPERIENCE AND TRAINING: Graduation from high school or completion of the equivalent GED certificate. Five years of progressively responsible experience in a bookkeeping or accounting operation and three years experience in a treasurer's office; supplemental course work in accounting, business administration, computer science or a related field; or any equivalent combination of experience and training.

Chief Treasurer Clerk - 998
Adopted 3/03

ESSENTIAL FUNCTIONS, PHYSICAL DEMANDS AND WORK ENVIRONMENT CHECKLIST

POSITION: Chief Treasurer Clerk

DEPARTMENT: Treasurer

BODY MOVEMENTS	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Bend/Stoop			X		
Crouch/Squat		X			
Kneel		X			
Twist			X		
Crawl	X				
Balancing					X
Walk-Level Surfaces			X		
Walk-Uneven Surfaces		X			
Working at Heights	X				
Climb-Ladder	X				
Climb-Stairs/Inclines		X			
<i>Additional Comments:</i> Conducted in typical office environment.					
MATERIALS HANDLING	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Lift					
Up to 10 lbs.		X			
11-25 lbs.		X			
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				
<i>Additional Comments:</i> i.e. Typically lifting files or case of paper and carries short distance.					
Carry					
Up to 10 lbs.		X			
11-25 lbs.		X			
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				
<i>Additional Comments:</i> i.e. Typically carries files or case of paper for short distance.					
Push					
Up to 10 lbs.		X			
11-25 lbs.	X				
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				
<i>Additional Comments:</i> Pushing/Pulling file drawers.					
Pull					
Up to 10 lbs.		X			
11-25 lbs.	X				
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				
<i>Additional Comments:</i> Pushing/Pulling file drawers.					
Upper Extremities					
Use of Hands					X
Grasp/Grip					X
Pinch/Squeeze				X	
Reach – Overhead		X			
Reach – Shoulder Level		X			
Use of Office Tools				X	
Computer Usage					X
<i>Additional Comments:</i> Conducted in typical office environment.					

PHYSICAL ENDURANCE	Hours /Day	Comments
Sit	6-8	Able to change pos. freq.
Stand	1-2	
Walk	1-2	On level surfaces
Stand / Walk	1-2	On level surfaces
Overall Job Strength:	Sedentary	
COMMUNICATION (Mark "X" if critical for job).		
Hearing	X	In person and phone
Vision	X	
Talking	X	In person and phone
Writing	X	Reading. Write legibly.
<i>Additional Comments:</i>		
ENVIRONMENT AND EXPOSURES (Mark "X" if critical for job).		
General Office	X	
Noise Level	X	Ambient
Weather Conditions		
Airborne Exposures		
Bloodborne Pathogens		
1 st Aid/CPR Certificate		
OTHER JOB DEMANDS	Yes/No	Comments
Independent Judgment	Yes	Reactive and Proactive
Analytical Ability	Yes	
Active Listening	Yes	Attentive
Problem Solving	Yes	
Self Accountability	Yes	
Conflict Resolution	Yes	See below
Positive Regard for Others	Yes	Team player, Congenial & respectful
Flexibility/Adaptability	Yes	
Public Relations	Yes	
Attention to Detail	Yes	Accuracy required
Time Management	Yes	Organizational skills
Objectivity	Yes	
Leadership Skills	No	
Frequent Interruptions	Yes	
Study/Apply New Skills	Yes	
Computer Usage	Yes	Proficiency & competency
Driving	No	
CDL Licensure	No	

<i>Additional Comments:</i>	
Attendance/Punctuality: Employee is expected to be at the assigned work site during his/her scheduled work hours.	
Conflict Resolution: May encounter frustrated and/or potentially angry citizens; facilitate positive outcome.	
Analyzed By:	Kim Wallace, Human Resources Director Linda Fox, Treasurer
Date Reviewed:	1/8/08

As part of the recruitment/selection or reclassification process, I have been provided with the above list of essential functions and class specification. I certify that I have read and understand the essential functions of this position, and that I am capable of performing each one with or without accommodation. If I need an accommodation to assist in performing any function(s), I have made that known to Human Resources. I understand that if I were to need an accommodation to the essential functions in the future, I will contact Human Resources. I understand that falsification of this certification may constitute grounds for immediate discharge.

Employee's Name (Please print)

Employee's Signature

Date

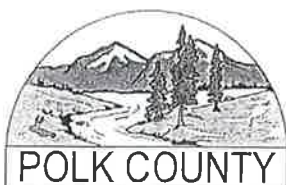
* * * * *

I certify that the selection process (minimum requirements, interview questions, practical exercises, etc.) to fill this position is based on the above essential functions and no other.

Personnel Department

Date

**This entire document with original signatures is to be placed
in the employee's personnel file.**



INTEROFFICE MEMORANDUM

POLK COUNTY COURTHOUSE

TO: BOARD OF COMMISSIONERS
FROM: GREG HANSEN, ADMIN. OFFICER
DATE: DECEMBER 30, 2015
SUBJECT: TREASURER'S POSITION – FINANCE DUTIES

RECOMMENDATION:

The approve the following:

1. Hiring a full-time Finance Manager near the end of the 2016-17 fiscal year. A job description and salary range will be developed over the next 12 months for BOC approval.
2. Defining the duties and Office of the Treasurer with the corresponding salary as determined by the compensation committee.
3. Starting in January of 2017, contract with Linda Fox for the duties of Tax Collector, Finance Manager (this contract will be limited to 1039 hours).

ISSUE:

How should the County address the upcoming vacancy in the Finance Department and how does that correspond to the elected Treasurer's position?

BACKGROUND:

Approximately three (3) months ago, Linda Fox, the County Treasurer informed us that should would not be seeking re-election. Currently, Linda is performing the duties of Treasurer, Tax Collector and a big portion of the Finance duties. It is estimated the Treasurer only duties amount to 0.2 FTE (8 hours a week position).

Linda's term ends the first week of January 2017. Linda is willing to contract back with the County to perform tax collection and finance duties for the remainder of the fiscal year.

As a result, Polk County needs to determine how to best meet the operational needs of its Finance department, Tax Collector and Treasurer duties. Included in the packet is the ORS for Treasurer and an example of job description from Yamhill County.

DISCUSSION:

This is not a new discussion, twelve years earlier (three election terms), the County had the same issues to address (see attached memo). The County decided to let the election process play out and then address those issues later. The results were, that the County was very fortunate with the outcome of the election and having Linda Fox (a CPA) be the successful Treasurer candidate. Over the next twelve years Linda has served the County well beyond her elected duties, filling the roles of Tax Collector and Finance

Manager. The big question is will Polk County be that lucky again in the election process and can we afford to take that risk as an organization?

In my opinion, the County can not let the electoral process play out and hope for the best. Polk County is a \$58 million organization that needs a Finance Manager position with specified qualifications, training and experience.

Organizationally, the best structure for Polk County is to have a full-time Finance Manager which oversees finance and tax collections and a part-time Treasurer. Polk County can not afford to pay for a full-time Treasurer and a Finance Manager, nor does the workload require two full-time positions.

Because of the time frame associated with Linda's departure, Polk County will need to make some hard decisions on the direction it wants to take while considering the Finance Office and the Treasurer's position. Those decisions should be made within the next two months, so candidates running for the position of Treasurer will have a clear understanding of the office and its duties.

ALTERNATIVES:

The following are alternatives:

1. Not hire for a Finance position and wait for the electoral process to play out. After the election, assess the situation and proceed accordingly. (potentially the least expensive)
2. Hire for a Finance position and elect a part-time Treasurer (20% time at \$1,000/month salary). This option would require the compensation committee to modify the existing salary prior to the filing deadline.
3. Hire for a Finance position and elect a full-time Treasurer (keeping the salary the same approximately \$72,000). (most expensive option)

These are not the only options available to the County for resolving this issue, however, they provide a general direction for which the County can move forward.

FISCAL IMPACT:

The costs of all of the options range from status quo (option #1) to an additional \$110,000 (option #3). Currently, we are not budgeted for the two full-time positions.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
 FOR THE COUNTY OF POLK

STEVEN V. MILLIGAN and MARY
 OLSON,

Plaintiffs,

and

STATE ex rel. STEVEN V. MILLIGAN,

Relator,

v.

POLK COUNTY, and GREG P. HANSEN,

Defendants-Respondents.

No. 23CV46600

GENERAL JUDGMENT

AND MONEY AWARD

Plaintiffs Steven V. Milligan and Mary Olson having filed a Complaint in this matter
 against Defendants Polk County and Greg P. Hansen; and

The Court having adjudicated the matters presented by the Complaint upon cross
 motions for summary judgment; and

The Court having granted declaratory relief and entering a declaratory judgment as
 provided herein;

Now, therefore,

IT IS HEREBY DECLARED:

1. The Oregon Constitution, in Article VI, section 6, provides: "There shall be
 elected in each county by the qualified electors thereof ... a ... treasurer ... who shall ... hold
 their office[] for the term of four years." The Oregon Constitution requires that the powers,
 duties, and prerogatives of the treasurer be vested in and discharged by an elected county

1 treasurer. (The Court declines at this juncture to define with specificity those powers, duties,
2 and prerogatives, because the Court resolves the lawfulness of Resolution 16-03 and
3 Ordinance 24-01 on subconstitutional grounds, as set forth below.)

4 2. Oregon statutes require that the treasurer of each county perform certain
5 functions and have certain duties and prerogatives. These statutes include ORS 208.010
6 through ORS 208.170. These statutes are binding upon Polk County, including its
7 commissioners, administrator, and other agents and employees. Polk County must comply
8 with these statutes and must not obstruct or inhibit their performance.

9 3. The Polk County Board of Commissioners adopted Resolution 16-03 on
10 February 3, 2016. The Polk County Board of Commissioners adopted Ordinance 24-01 on
11 January 24, 2024. Resolution 16-03 and Ordinance 24-01 conflict with and are therefore
12 preempted by Oregon statutes. Resolution 16-03 and Ordinance 24-01 are unlawful, invalid,
13 and unenforceable.

14 4. Polk County, including its commissioners, administrator, and other agents and
15 employees, must allow and facilitate the duly elected treasurer to discharge the powers,
16 duties, functions, and prerogatives of the treasurer as required by the Oregon Constitution
17 and Oregon statutes.

18 5. Steven V. Milligan is the current duly elected treasurer of Polk County. He is
19 entitled to discharge the functions of the office of the Polk County treasurer pursuant to
20 Article VI, section 6 of the Oregon Constitution, Chapter 208 of the Oregon Revised
21 Statutes, and other applicable statutes and sources of law. Absent the consent of the Polk
22 County treasurer, actions to disempower and remove from the elected treasurer the authority,
23 responsibilities, or functions of the office under the Oregon Constitution or statute, and to
24 reassign such constitutional or statutory authority, responsibilities, or functions to an
25 unelected employee who is not hired by and does not report to the treasurer, are unlawful.

26

1 IT IS HEREBY ORDERED AND ADJUDGED that judgment shall be entered for plaintiff
2 Steven V. Milligan. Pursuant to a stipulation of the parties, plaintiff Steven V. Milligan shall
3 be awarded attorneys' fees in the amount of \$42,500 and costs in the amount of \$517.00.

4
5 MONEY AWARD

6 Judgment Creditor:
7 Steven V. Milligan
8 266 Clay Street W.
9 Monmouth, OR 97361

10 Lawyer for Judgment Creditor:
11 Misha Isaak
12 Stoel Rives LLP
13 760 SW Ninth Ave, Suite 3000
14 Portland, OR 97205

15 Judgment Debtors:
16 Polk County & Greg P. Hansen
17 850 S. Main Street
18 Dallas, OR 97338

19 Lawyer for Judgment Debtor:
20 Andrew D. Campbell
21 Heltzel Williams PC
22 117 Commercial St NE Ste 400
23 P.O. Box 1048
24 Salem OR 97308

25 Attorneys' fees awarded \$42,500.00
26 Costs awarded: \$517.00

10/31/2024 3:00:11 PM

20 Dated this ____ day of _____, 2024,



Circuit Court Judge Ladd J. Wiles

Ladd J. Wiles, Circuit Court Judge

25 SUBMITTED BY:
26 Misha Isaak, Stoel Rives LLP
Attorney for Plaintiffs Steven V. Milligan and Mary Olson

CERTIFICATE OF READINESS – UTCR 5.100

I hereby certify the foregoing **GENERAL JUDGMENT AND MONEY AWARD** is ready for judicial signature because:

- ☐ Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- ☒ Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation or approval sent to me.
- ☐ I have served a copy of this order or judgment on all parties entitled to service and:
 - ☐ a. No objection has been served on me.
 - ☐ b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - ☐ c. After conferring about objections (opposing party) agreed to independently file any remaining objection.
- ☐ The relief sought is against an opposing party who has been found in default.
- ☐ An order of default is being requested with this proposed judgment.
- ☐ Service is not required pursuant to subsection (3) of this rule, or by statute, rule or otherwise.
- ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

DATED: October 24, 2024.

s/ Misha Isaak
Misha Isaak, Bar No. 086430

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document titled
GENERAL JUDGMENT AND MONEY AWARD on the following named person(s) or
party(ies) on the date and by the method(s) indicated below.

- ☐ mailing with postage prepaid. ☒ email (courtesy copy only).
☐ hand delivery. ☐ email pursuant to agreement among
parties/counsel dated _____,
consenting to service via email.
☐ facsimile transmission. ☐ email, for which a confirmation of receipt of
the email, sent with this document attached, by
the following named person(s) or party(ies) has
been received by the undersigned via the
method of _____.
☐ overnight delivery. ☒ eService via Odyssey File & Serve.

If by mail or overnight delivery, a true copy of the above referenced document(s) was served
upon said person(s) or party(ies), contained in a sealed envelope or package, addressed to
said person(s) or party(ies) at their last-known address(es) indicated below.

Andrew D. Campbell
Heltzel Williams PC
PO Box 1048
Salem, OR 97308
Email: andrew@heltzel.com

DATED: October 24, 2024.

s/ Misha Isaak
Misha Isaak, Bar No. 086430

Attorney for Plaintiffs



POLK COUNTY CLASS SPECIFICATION
ADMINISTRATIVE OFFICER

Class Spec. Number: 299

Representation: Non-Represented

FLSA Status: Exempt

GENERAL STATEMENT OF DUTIES: Performs responsible administrative work assisting the Board of County Commissioners in the planning, direction, supervision and coordination of County operations; supervises central management and service programs; supervises County budget development; represents the Board of Commissioners in contract negotiations and at various meetings; conducts specific research projects, prepares reports and recommendations and performs related work as required.

SUPERVISION RECEIVED: Works under the general direction of the Board of County Commissioners who provide policy and administrative direction and review work for results obtained.

SUPERVISION EXERCISED: Exercises supervision of subordinate personnel and processes as assigned by the Board of County Commissioners; participates in the selection of new personnel; assigns duties, provides training, schedules leaves of absence, evaluates performance and recommends personnel transactions.

TYPICAL EXAMPLES OF WORK: The employee in this classification performs the following duties. However, these examples do not include all the specific tasks which the employee may be expected to perform.

1. Performs administrative work in planning and coordinating operations of County government under authority of Board of Commissioners; works closely with individual elected officials and department heads on specific assignments.
2. Supervises central services including personnel and accounting. Is responsible for annual budget preparation and control.
3. Oversees labor negotiations on behalf of the Board of Commissioners; coordinates evaluations of department heads under the Board of Commissioners.
4. Administers various aspects of County insurance programs, including self-insurance fund and unemployment insurance.
5. Develops and implements County's management and training process; establishes goals and priorities in order to enhance communication, expand knowledge and skills; maintains library of management training material; consults with department heads on individual management problems.
6. Contributes to agendas for Board of Commissioners' meetings and attends same as needed.
7. Coordinates special projects (e.g. master facilities plan development, classification and compensation plan development) at direction of Board of Commissioners.
8. Serves as management analyst to Board of Commissioners; responds to identified and perceived problems, researches problems and proposed solution; works directly with department heads to solve specific problems identified by Board of Commissioners.
9. Carries out any other assignment as directed by Board of Commissioners.

10. Performs related duties as required.

EMPLOYMENT QUALIFICATIONS:

Knowledge of: County government organization, authority and functions and relationships with other governmental jurisdictions. Thorough knowledge of the principles and practices of public administration. Thorough knowledge of the principles and practices of public budgeting, financing, reporting and personnel management.

Ability to: plan, organize and conduct research projects. Ability to communicate effectively both orally and in writing. Ability to analyze problems, prepare clear and concise reports on same with proposed solutions. Ability to analyze and prepare budgets. Ability to supervise the work of assigned personnel and programs. Ability to establish and maintain effective working relationships with the Board of Commissioners, department heads, elected officials, employees, officials from other agencies and the general public.

EDUCATION, EXPERIENCE AND TRAINING: Five years of professional, progressively responsible experience in an administrative, managerial or supervisory capacity which included experience in budget preparation, personnel administration, and program development implementation and management. Bachelor's degree in Business Administration or related field, preferably supplemented by a master's degree in Business or Public Administration or related field; or any equivalent combination of experience and training.

Administrative Officer – 299
Adopted 7/89

ESSENTIAL FUNCTIONS, PHYSICAL DEMANDS AND WORK ENVIRONMENT CHECKLIST

POSITION: Administrative Officer
DEPARTMENT: Board of Commissioners

BODY MOVEMENTS	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Bend/Stoop			X		
Crouch/Squat		X			
Kneel		X			
Twist			X		
Crawl	X				
Balancing				X	
Walk-Level Surfaces			X		
Walk-Uneven Surfaces		X			
Working at Heights	X				
Climb-Ladder	X				
Climb-Stairs/Inclines		X			

Additional Comments: Conducted in typical office environment.

MATERIALS HANDLING	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Lift					
Up to 10 lbs.			X		
11-25 lbs.		X			
26-50 lbs.		X			
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments

Carry	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Up to 10 lbs.			X		
11-25 lbs.		X			
26-50 lbs.		X			
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments

Push	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Up to 10 lbs.			X		
11-25 lbs.		X			
26-50 lbs.		X			
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments:

Pull	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Up to 10 lbs.			X		
11-25 lbs.		X			
26-50 lbs.		X			
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments:

Upper Extremities	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Use of Hands					X
Grasp/Grip					X
Pinch/Squeeze				X	
Reach – Overhead			X		
Reach – Shoulder Level			X		
Use of Office Tools				X	
Computer Usage					X

Additional Comments: Conducted in typical office environment.

PHYSICAL ENDURANCE	Hours/Day	Comments
Sit	6-8	Able to change pos. freq.
Stand	2-4	
Walk	2-4	On level surfaces
Stand / Walk	2-6	On level surfaces
Overall Job Strength:	Light	

COMMUNICATION	(Mark "X" if critical for job).	
Hearing	X	In person and phone
Vision	X	
Talking	X	In person and phone
Writing	X	Reading. Write legibly.

Additional Comments:

ENVIRONMENT AND EXPOSURES	(Mark "X" if critical for job).	
General Office	X	
Noise Level	X	Ambient
Weather Conditions		
Airborne Exposures		
Bloodborne Pathogens		
1 st Aid/CPR Certificate		

OTHER JOB DEMANDS	Yes/No	Comments
Independent Judgment	Yes	Reactive and Proactive
Analytical Ability	Yes	
Active Listening	Yes	Attentive
Problem Solving	Yes	
Self Accountability	Yes	
Conflict Resolution	Yes	See below
Positive Regard for Others	Yes	Team player, Congenial & respectful
Flexibility/Adaptability	Yes	
Public Relations	Yes	Professional collaboration
Attention to Detail	Yes	Accuracy required
Time Management	Yes	Organizational skills
Objectivity	Yes	
Leadership Skills	Yes	Supervision of personnel
Frequent Interruptions	Yes	
Study/Apply New Skills	Yes	
Computer Usage	Yes	Proficiency & competency
Driving	Yes	Travel - multiple worksites
CDL Licensure	No	

Additional Comments:

Attendance/Punctuality: Employee is expected to be at the assigned work site during his/her scheduled work hours.

Conflict Resolution: Facilitation/mediation.

Analyzed By:	Matt Hawkins, Human Resources Director Lynn Hall, Human Resources Analyst
Date Reviewed:	

As part of the recruitment/selection or reclassification process, I have been provided with the above list of essential functions and class specification. I certify that I have read and understand the essential functions of this position, and that I am capable of performing each one with or without accommodation. If I need an accommodation to assist in performing any function(s), I have made that known to Human Resources. I understand that if I were to need an accommodation to the essential functions in the future, I will contact Human Resources. I understand that falsification of this certification may constitute grounds for immediate discharge.

Employee's Name (Please print)

Employee's Signature

Date

* * * * *

I certify that the selection process (minimum requirements, interview questions, practical exercises, etc.) to fill this position is based on the above essential functions and no other.

Personnel Department

Date

**This entire document with original signatures is to be
placed in the employee's personnel file.**