



**TSCC Regular Business
Meeting**

Meeting Minutes

Tuesday, October 5, 2021

1:30 p.m.

Chair David Barringer, Commissioners Ofsink, Norton, Wubbold and Quiroz were present, as were Executive Director Allegra Willhite, Retiring Executive Director Craig Gibons, and Budget Analyst Tunie Betschart, all via Google Meeting.

Absent: None

REGULAR MEETING

Chair Barringer called the meeting to order at 1:30.

Review of Minutes

TSCC Regular Meeting minutes for July 27, 2021 and the Special Meeting Minutes for September 14, 2021 were approved with edits previously submitted via email.

Chair / Vice Chair Elections

Using the Officer Duties table¹ developed at the September 14th special meeting to discuss duties of the Chair and Vice-Chair, Commissioner Ofsink shared the responsibilities describing the duties of these positions. Following the discussions in the special meeting, Commissioner Quiroz and Commissioner Ofsink agreed that they were willing to serve in the roles as Chair and Vice-Chair.

Following this discussion, Commissioner Norton nominated Commissioner Quiroz as Chair and Commissioner Ofsink to continue serving as Vice-Chair for the upcoming year. Commissioner Wubbold seconded the motion.

Chair Barringer asked for any discussion.

Commissioner Ofsink asked when Chair Barringer's appointed term would end. Mr. Gibons said all Commissioners' appointments end on December 31 in various years depending on the appointment date and designated term.

Chair Barringer asked for a vote on the nomination of Commissioner Quiroz for Chair and the continuation of Commissioner Ofsink as Vice-Chair for the upcoming 2022 year. Commissioners unanimously approved the nomination.

¹ Attachment 1 – TSCC Officer Duties

This will become effective at the end of Chair Barringer's term, December 31, 2021.

The suggestion was made to save the Officer Duties table in the Commissioners file, and to create a similar description of general commission duties for officers if one does not already exist.

Timing of Executive Director Performance Evaluation

The Commissioners deliberated the advantages of changing the timing of the executive director's performance evaluation from the current June time frame to January, coinciding with a calendar year as opposed to a fiscal year. This change would:

- Ease the workload on the Vice-Chair during the busiest time for commissioners, and
- Provide an evaluation for Executive Director Willhite after 5 months in the position.

Merit salary adjustments or applicable bonus compensations can be awarded in January even though COLA, set by Multnomah County, will commence at the beginning of each fiscal year.

The Commissioners and Executive Director Willhite expressed agreement with the plan of conducting her first performance evaluation in January 2022.

Commissioner Ofsink made a motion to change the performance evaluation from late June to January each year. Commissioner Quiroz seconded the motion which carried with a unanimous vote.

Executive Director Willhite's Updates

- Commissioner Recruitment

Executive Director Willhite reported that the State of Oregon's commissioner appointment process has recently changed to using an online application submittal process. Now all applicants must go only through the State of Oregon's portal. Anyone who previously submitted an application to the State will need to reapply through this new process.

This has resulted in several glitches in the recruitment process. At first, TSCC was not on the list of commissioners appointed by the Governor. This has been resolved.

Anyone who submitted an application prior to the change will need to reapply through the Governor's Boards and Commissioners website. A link to the How to Apply webpage is on the TSCC website home page. The State is reaching out to all who have already applied to inform them of the new process.

Commissioner Quiroz and Commissioner Wubbold have sent their renewals via the website. There was concern that with Chair Barringer's appointed term ending December 31, and Commissioners Wubbold and Quiroz waiting on reappointment, this would leave TSCC without a quorum for any decisions that needed voting approval. However, as indicated in statute (ORS 294.610 Tax supervising and conservation commission) the current Commissioners shall remain until their successors are appointed and qualified.

There was then conversation about the term length of two 4-year terms. Since there is nothing in the statute limiting the term length or the time one can be reappointed, it is up to the appointing Governor at the time the commissioner is up for reappointment.

Mr. Gibbons is continuing to reach out to individuals he thinks would be a good fit for the

TSCC Commission. As of yet, he has not heard of any applying. Executive Director Willhite will be able to see new applicants in the system as they apply. The Executive Director and/or the Commissioners can express an opinion on the applicant's qualifications but the Governor will make the decision and appointment.

Commissioner Wubbold suggested that Executive Director Willhite contact the City of Portland's Office of Community Involvement where he had worked on a project to reform the City's boards and commissions system. He suggested contacting Joanne Hardesty's Chief of Staff to solicit names of former Portland board and commission volunteers as potential TSCC Commissioners.

It was noted that Brendan Watkins may be moving back to Multnomah County and may be interested in being reappointed as a TSCC Commissioner.

- **HB 2992 Modifying Compensation Paid to Members of State Boards & Commissions**

Executive Director Willhite discussed House Bill 2992 which went into effect on September 25, 2021 and requires a stipend compensation of \$151 per day for qualifying commissioners. The purpose of this change is to make it easier for people of low income to participate on boards or commissions. The statute includes a maximum income level to qualify and it excludes individuals who are employed by Oregon public entities.

This new statutory provision conflicts with existing ORS 294.610 which states "The commissioners shall serve wholly without compensation". TSCC staff asked their DOJ counsel if HB 2992 suspends 294.610. In response, DOJ questioned if TSCC was a state commission and subject to HB 2992 and said it would require 4-7 more hours to answer that question. The answer may hinge on TSCC's regional (vs statewide) jurisdiction. At this point staff made the decision to pause the questions for legal counsel.

Commissioners commented state boards and commissions of large organizations have always received some compensation. This is an increase in the per diem amount for qualifying commissioners, up from \$30. This will be a bookkeeping nightmare separating taxable from non-taxable compensation which will require a lot of tracking and could move some compensation that is now non-taxable to a taxable category. This is not like reimbursement for expenses.

Commissioners suggested TSCC consider further before asking for an answer to our need to comply. They feel the larger question of "are we a state commission?" is potentially dangerous. It was suggested that the best strategy to take is a "wait and see where this goes" approach since it will become more clear overtime.

Funding for this unfunded mandate was pondered and the question was asked if we have any pushback on that issue. The suggestion was made that if necessary, TSCC may seek legislative support through the Multnomah County governmental relations staff to increase the budget to compensate.

Currently, no TSCC commissioners would qualify for compensation² because of their income or their position with a public entity, but staff will keep a watchful eye as this evolves.

- **Year-to-Date Budget Report**

Executive Director Willhite gave an overview of the TSCC Budget as of August 31³ saying

² Based on attestation forms submitted by commissioners in October, the current commissioners are either unqualified or have declined compensation.

³ Attachment 2 - FY-2021-22 Budget Report - October

the budget is on track for period 2. There will be considerable expenses relating to the retirement of the Executive Director and the overlapping training for the new Executive Director that will show up in the September-October expenditures. Contingency is at still at \$24,000 and can be used if necessary, with commissioners' approval. The supplies cost line includes the cost of updating the computers in the last fiscal year because they were booked in the current fiscal year. It is anticipated that Travel and Training will see an increase over last year as "in-person" visits return. The introduction of the new Executive Director utilizing both "in-person" visits where acceptable and visual introductions when unable to meet in person may increase this expenditure.

Executive Director Willhite mentioned that currently, the County's budget for TSCC does not match the maximum allowed by the state. This will be adjusted in an upcoming supplemental budget by the county.

The space provided for TSCC's office was discussed. By statute, Multnomah County is to provide this space and not allowed to charge this expenditure to the TSCC budget.

Commissioner Ofsink asked if it would be possible to provide the commissioners with a graph which forecasts when TSCC predicted expenditures will intersect with the maximum statutory allowable expenditures. Executive Director Willhite will provide this graph as a resource during budget discussions for next fiscal year.

"Time of reflection and thank you for your service" to Retiring Executive Director Craig Gibons

Chair Barringer introduced this agenda item and shared that TSCC has ordered a coffee mug with the new TSCC Logo on it as a remembrance for Craig of the time he spent working for the TSCC.

Commissioner Ofsink initiated the kudos to Craig Gibons for the 8+ years of service as the Executive Director of TSCC. He thanked Craig both from a personal aspect and from the community aspect saying he made such a positive impact on the community he served as Executive Director of TSCC as well as in his personal career. Then he said Craig really encouraged him in the engagement of learning the public finance and navigating the civic duties as a commissioner. He helped with avoiding legal issues, improved the organization, and has improved the region by his work with TSCC's districts. He concluded by saying he would like to get together to celebrate Craig's retirement as Executive Director of TSCC in the future when "in-person" gatherings are safe.

Commissioner Wubbold was next saying Craig was encouraging when he was considering becoming a Commissioner. Craig explained the duties and helped open his eyes to the opportunity to dig deep into the financial activities of the municipalities in the county. He has learned a great deal about the financial aspects of the community because of Craig's interest in him becoming a commissioner, and even buying his lunch. He is glad to have made the decision to join TSCC, and has made numerous friends, thanks to Craig.

Commissioner Norton added that she had worked with Craig's predecessor and was familiar with the approach of the TSCC Executive Director from the district's side. Now being on the opposite side of the work equation, she both appreciates and is encouraged by Craig's partnership approach with the districts.

Commissioner Quiroz said she was most grateful to Craig for the relationships he has built with the districts. Positive relationship building is not seen much in the corporate world. She added that Craig did this well, and feels certain that the selection of Allegra Willhite was a wise one that would follow closely to the established model.

Chair Barringer said he appreciates the team-work atmosphere Craig has always promoted. He has

always been a team player. He, as Chair of the commission, has relied heavily upon that and really appreciated knowing that was Craig's way of doing business.

Allegra Willhite said she also appreciated the relationship building Craig has done, laying the ground work for her to continue this protocol with the districts.

Tunie Betschart added that she has enjoyed working with Craig. What she appreciated most was his positive attitude and helpful, teaching, hands-on approach of achieving things, creating a positive work environment.

Next Meeting

Executive Director Willhite will send out a poll for a date for the next meeting to be held in early January to discuss the work plan. This meeting will be followed by a second January meeting to conduct a performance evaluation. This will act as the transition from conducting the evaluation in June to conducting the performance evaluation in January on an annual basis.

Other Business

Mr. Gibbons asked the commissioners if they wanted to revisit the practice of using the revised current year budgets (as opposed to the adopted budget) for the budget reviews and in the annual report. Executive Director Willhite asked about this practice for the annual report, noting that it creates an inconsistency in the annual report, because many districts do not revise the current year's budget figures while preparing the budget for the upcoming year. Yet, in the Annual Report, all current year columns are titled "Revised Budget" as if the numbers reflect revisions throughout the current year.

The argument against changing this practice of posting revised budget numbers is that a lot happens with the current budget year, especially for larger districts. If they provide the information on revisions to their budget, our report should represent the most recent data received.

The current Annual Report will reflect revised numbers if they are available and the budget reviews will continue to use the most recent numbers available. All district spreadsheets will say "Revised". This subject will be discussed again since no real resolution was reached.

Following this discussion, Chair Barringer adjourned the Regular Meeting at approximately 2:50 pm.

Attachments: 2

Attachment 1 - TSCC Officer Duties

Responsibility	Time	2021 Primary	2021 Backup
Set the agenda for commission meetings, based on the Executive Director's agenda drafts.	Minimal	Chair	Vice-Chair
Review and approve (currently via email) monthly Executive Director's Purchase Card transactions.	Minimal	Chair	Vice-Chair
Chair all the Commission meetings and hearings.	-	Chair	Vice-Chair
Discuss informally issues and strategies with other Commissioners and Executive Director (outside of the commission meetings).	Depends	Chair	Vice-Chair
Work with the Executive Director to edit the script and assign questions for each hearing (eventually this can become more automatic).	Minimal	Chair	Vice-Chair
Prepare a draft annual evaluation and proposed salary for the Executive Director.	Medium	Vice-Chair	Chair
Serve as supervisor for the Executive Director (including hiring, human resources questions, etc)	Medium	Chair	Vice-Chair
Signature (and review of) bill sent to districts (July)	Minimal	Chair	Vice-Chair
Commission Management	Depends	Chair + Vice Chair	

Attachment 2

FY 2021-22 Budget Report - October

Actuals reported through August 31 (Period 2), 16.6% through fiscal year



BUDGET SUMMARY

Category	Budget	as of 8/31	
		Actuals	% spent
Personnel Services	396,000	54,417	14%
Materials & Supplies	15,500	8,206	53%
Internal Services	4,500	398	9%
Contingency	24,000	-	0%
	440,000	63,021	14%

BUDGET DETAIL

Expenditures	TSCC Budget	as of 8/31		Projected	
		Actuals		Full Year	(under)/over
60000 Permanent (2.0 FTE)	\$ 221,000	\$ 36,106		\$ 211,896	\$ (9,104)
60100 Temporary	37,000	875		32,375	(4,625)
60130 Salary Related Expns	82,800	8,965		93,571	10,771
60140 Insurance Benefits	55,200	8,471		58,071	2,871
60170 Professional Svcs	4,000	107		3,507	(493)
60240 Supplies	4,000	8,059		11,059	7,059
60260 Travel & Training	1,800	-		1,000	(800)
60270 Local Travel/Mileage	400	-		2,500	2,100
60290 Softw, Subscr, Maint	5,000	40		7,590	2,590
60340 Dues & Subscriptions	300	-		800	500
60370 Intl Svc Telephone	1,700	71		1,879	179
60380 Intl Svc Data Proc	2,300	327		2,108	(192)
60381 Intl Svc Data Proc on Req	500	-		800	300
Expenditure Totals	416,000	63,021		427,156	11,156
Contingency	24,000	-		4,000	-
Total	\$ 440,000	\$ 63,021		\$ 431,156	\$ (8,844)
Maximum Budget	\$ 461,194			\$ 431,156	\$ (30,038)

NOTES

- Last year's bonuses and computer equipment purchases were processed in this FY
- Contingency may be needed to cover operating expenses this year due to one-time equipment costs
- Projected \$4,000 of contingency expenses for consulting with outgoing ED later in the year
- Projections assume that some conferences, training, etc. will be in-person and require local travel
- Professional Services projection does not include cost of HB 2992 research