

Gilliam County Court  
Regular Meeting  
January 23, 2019

Judge Farrar called the regular Gilliam County Court meeting to order at 1 p.m. at the Gilliam County Courthouse in Condon, Oregon. Present were Judge Elizabeth Farrar, Commissioner Leslie Wetherell, Commissioner Sherrie Wilkins, Court Administrator Sandy McKay, Recorder Mary Dyer, and County Legal Counsel Ruben Cleaveland.

**IN THE MATTER OF CHANGES TO THE AGENDA**

Agenda item 6.7, Approval of Sale of Arlington Lot No. 801, was removed from the Consent Agenda and will be discussed under New Business.

**IN THE MATTER OF CORRESPONDENCE**

- From Alexi McHugh and Garrett Jackson, Baker City: Letter in support of K'Lynn Lane and her work at the Condon Chamber of Commerce, following a recent visit to Condon.
- From Diane and Nick Welp, Arlington: Letter regarding delays at the railroad crossing on Cedar Springs Lane, with suggestions for possible solutions. Letter also sent to Alan Anderson, Waste Management; with copies to Citizens Advisory Council members.
- From Jennifer Bold, Condon Child Care Executive Director, thanking Gilliam County for continued support of the Condon Child Care Center, with income statements and updates regarding recent activities.

**IN THE MATTER OF PUBLIC COMMENT**

There were no public comments.

**IN THE MATTER OF CONSENT AGENDA**

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, that the Consent Agenda be approved. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

The Consent Agenda includes the following:

- Approval of Dec. 19 regular meeting minutes.
- Approval of Jan. 9 regular meeting minutes.
- Appointment of Justice Court Pro Tems
- Release of budgeted funds: Port of Arlington, Willow Creek Feasibility Study
- Release of budgeted funds: OSU Extension, second quarter payment
- Approval of 221 Potter Street Sale Contract

- Approval of ZAYO Right-of-Way application (new route)
- Approval of Medical Examiner Services Agreement with North Central Public Health District

### **IN THE MATTER OF SHUTLER STATION BATCH PLANT**

The Court returned to the matter of future plans for Shutler Station batch plant, previously addressed at the Jan. 9 meeting. Commissioner Wilkins asked if the Arlington Port Commission has expressed any interest in owning the batch plant. Sandy McKay indicated that although the Port believes the plant is beneficial for the county, no decisions have been made. The Port also indicated a third party has expressed interest. Commissioner Wilkins reiterated her earlier statement that the county shouldn't continue with ownership of the plant. Judge Farrar agreed that the plant is a financial loser for the county, and suggested that it might be a better fit for the Port's mission if they are interested in taking it on and assuming responsibility for the upgrade. She also suggested that the plant could be given to the Port as surplus equipment. Sandy McKay noted that the current lease expires at the end of February.

It was the court's consensus to contact the Port to ascertain their interest, and if they are interested, to begin the surplus process at the Feb. 6 court meeting.

### **IN THE MATTER OF NON-PARTISAN COMMISSIONERS BALLOT INITIATIVE**

Judge Farrar clarified that in odd years, the initiative to make commissioner positions non-partisan can only be placed on the November ballot, not the Primary election in May as originally believed. Judge Farrar and Ruben Cleaveland will continue to work through the process for the November election.

### **IN THE MATTER OF STRATEGIC PLANNING**

Judge Farrar told the Court that she contacted a facilitator regarding the possibility of assisting with the county's strategic planning, and that she plans to meet with that person next week. Estimates will be provided for the court's consideration.

### **IN THE MATTER OF COUNTY FUNDING TO FRONTIER TELENET**

Judge Farrar noted that since the Jan. 9 court meeting, Frontier Telenet's board of directors has met three times. She said that FTN's financial position may not be as dire as originally presented to the court in December, and that FTN's bookkeeper indicated there are sufficient funds to pay December and January bills, and potentially part of February expenses as well. Wheeler County has approved a loan of \$100,000, which must be paid back, and Sherman County has approved final loan documents. The FTN board met last week to approve the loan documents, but Judge Morley expressed concern about approving a six-month term with the likelihood that FTN may default

almost immediately. The matter was tabled and will be addressed at the FTN meeting on Friday.

Judge Farrar noted that she doesn't yet have a clear picture on FTN's financial situation and that the FTN board hasn't yet taken steps to get the organization on the right track. She suggested that the court should reconsider the grant approved at the Jan. 9 court meeting, as there may be more strategic ways for the county to provide support. She recommended that FTN's financials be brought in-house to one of the counties, and County Treasurer Nathan Hammer and County Clerk Ellen Wagenaar are willing to assume responsibility. She also suggested that instead of providing funding with no strings attached, the county could pay for an auditor and a turnaround consultant, and for other expenses, such as improvements necessary to keep the system as reliable as possible.

In response to a question by Commissioner Wetherell, Ruben Cleaveland responded there are no problems with the county acting as fiscal agent. However, there may be issues with the county staff working for an ORS 190 intergovernmental entity. He will look into the matter to determine any necessary steps.

Judge Farrar will put forward the offer of Gilliam County taking over Frontier Telenet's books at the next Frontier Telenet board meeting.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to table a grant agreement with Frontier Telenet until the agreement can be restructured. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

#### **IN THE MATTER OF WEED CONTROL INTERGOVERNMENTAL AGREEMENT**

Ruben Cleaveland noted a few issues with the document, including failure to include ODOT's gravel stockpiles, which must be sprayed to prevent the distribution of weeds. Additionally, he noted contradictory statements regarding the responsibility of project costs beyond estimates, and also recommended the addition of a term concerning payment in the event of early termination. Cleaveland will forward the document to other counties once ODOT has approved the suggested changes. It was the court's consensus to table the matter until the Feb. 6 meeting.

#### **IN THE MATTER OF TRANSPORTATION DEPARTMENT GRANT APPLICATION**

**MOTION** by Commissioner Wilkins, second by Commissioner Wetherell, to approve a Gilliam County Grant Submittal Request Form for the Statewide Transportation Improvement Fund (STIF), by Marla Davies in the amount of \$236,000. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

#### **IN THE MATTER OF COUNTY GRANT AND LOAN PROGRAMS**

Judge Farrar suggested that the court consider holding a series of work sessions to review the county's different grant funding pools, and to consider how applications for

funding could be reviewed in a more orderly fashion with systems for accountability in place so the public has a clear picture of why investments are made and what to expect. She suggested that more structured procedures would avoid requests outside the budget calendar, thus allowing the funding process, and court meetings, to be more efficient. She also recommended that entities using the funds for operational purposes should consider plans for greater sustainability, as they may have a difficult time continuing without county support when SIP funds are no longer available. Judge Farrar suggested the court address SIP discretionary fund first so guidelines are in place before the budget cycle begins in March. The court agreed to hold the first work session at the Gronquist Building in Arlington at 9 a.m. on Feb. 6, before the regular court meeting at 1 p.m.

### **IN THE MATTER OF LONEROCK BRIDGE ENGINEERING PROPOSAL**

Judge Farrar presented background information on the Lonerock Bridge engineering proposal, noting that a draft Agreement for Engineering Services came before the court in December, but legal counsel wasn't comfortable with the document as presented at that time. Ruben Cleaveland explained the process, noting that the document is now ready for court approval and submittal to Anderson Perry.

**MOTION** by Judge Farrar, second by Commissioner Wetherell, to approve an Agreement for Engineering Services with Anderson Perry for services related to the Lone Rock Bridge replacement project. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

### **IN THE MATTER OF AUDITOR RFP PROPOSAL SUBMISSIONS**

Sandy McKay explained that Requests for Quotes were sent to 10 auditing firms with responses received from Solutions, CPAs of John Day; and Barnett and Moro of Hermiston. The Court agreed that after so many years with Solutions, it would be prudent to switch to a new auditing firm for the coming fiscal year, in spite of slightly higher costs.

**MOTION** by Judge Farrar, second by Commissioner Wetherell, to select Barnett and Moro to provide audit services to Gilliam County for Fiscal Year 2018-19. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

### **IN THE MATTER OF RESOLUTION OF 2006 IGA WITH PORT OF ARLINGTON**

In summary, Judge Farrar noted that in 2006, the county entered into an intergovernmental agreement with the Port of Arlington related to the failed Willow Creek Dock project, but the status of the IGA and dispensation of related funds were never fully discussed or resolved. She asked if the court is interested in scheduling a joint meeting with the Port of Arlington to discuss the matter and come to an agreement on a resolution.

The court agreed with Ruben Cleaveland's recommendation that both entities attain separate legal counsel for this matter, which will lead to a more efficient resolution with no issues presented by a potential conflict of interest. The court's consensus was to proceed. McKay will contact Peter Mitchell about scheduling a joint meeting.

### **IN THE MATTER OF APPROVAL OF SALE OF ARLINGTON LOT NO. 801**

Commissioner Wilkins announced her intent to abstain due to a conflict of interest created by her relationship to the purchaser of the property of Arlington Lot No. 801.

**MOTION** by Judge Farrar, second by Commissioner Wetherell, to approve the sale of Arlington Lot No. 801. Farrar – Yes; Wetherell – Yes; Wilkins – abstain; **Motion Carried.**

### **IN THE MATTER OF COURT MEMBER REPORTS**

Commissioner Wetherell:

- Attended BOPTA training in Hood River.
- Attended Governor Kate Brown's inaugural gala.
- Visited the South Gilliam County Health Center, met with clinic administrator Hollie Winslow and saw the dental office remodel in progress.
- Met with Roadmaster Dewey Kennedy and will schedule a meeting with Weed Control Officer Don Farrar. Judge Farrar asked about the progress of the new county road advisory council. Ruben Cleaveland said there is no specific ordinance regarding the number of people on the committee or how it must be formed. He said he is working with Roadmaster Dewey Kennedy to establish bylaws and devise a simple resolution stating the parameters of the committee. He will try to have the resolution ready for approval by the Feb. 6 court meeting.

Commissioner Wilkins:

- Canceled a tour of the Ardent Mills facility due to a family emergency. The meeting will be rescheduled.
- Attended AOC County College.

Judge Farrar:

- Attended AOC County College.
- Noted that staff has requested that the Court consider changing hours the courthouse will be open to the public, which will allow staff uninterrupted work

time. The court agreed that the building doors will be unlocked at 8:30 a.m. and closed again at 5 p.m.

- Regarding a Montague Permanent Energy Analysis Siting Brief, Judge Farrar noted receipt of an email received from the Department of Energy asking if the county wants to comment on changes/amendments requested by the Montague project, Phase II. County Planner Michelle Colby responded that it was impossible for the county to comment by the deadline. Subsequently, the deadline was extended to Feb 20. DOE also offered to attend the Feb. 6 meeting. Sandy McKay and Michelle Colby will coordinate DOE's visit.
- Discussed scheduling of quarterly reports and the possibility that some could be presented in writing, and that frequency of reports could be adjusted. The court decided that Waste Management District Manager Alan Anderson, Veterans Service Officer Bryan Hunt, and a representative of Pioneer CDC will be requested to present in-person reports. A report from Arlington Port Commission Executive Director Peter Mitchell will be postponed. Other quarterly and semi-annual reports will be determined later. The court also agreed that Waste Management's reports should be presented after the quarter has ended, which will enable more accurate and timely information.

#### **IN THE MATTER OF ANNOUNCEMENTS**

Judge Farrar announced that meetings of the Tri-County Court and Frontier Telenet Board will be held in Fossil this Friday, Jan. 25 at 10 a.m. and 1 p.m. respectively.

Sandy McKay noted that Portland Metro representatives would like to meet with the court. A visit will be planned.

Condon City Administrator Kathryn Greiner asked about the timeline and placement of Consent Agenda items on the county's website prior to the meeting, and if the court has plans to make the documents available online. The court agreed that making the information accessible would increase transparency.

#### **IN THE MATTER OF NEXT COURT MEETING**

The next regular Gilliam County Court meeting will be held Wednesday, Feb. 6, 2019, beginning at 1 p.m. at the Gronquist Building at Arlington, Oregon. A work session to discuss county grant programs is scheduled for 9 a.m.

It appearing to the court that there was no further business to be conducted at this time and no additional matters to be considered, Judge Farrar adjourned the meeting at 2:40 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_

Elizabeth Farrar, Judge

By \_\_\_\_\_

Leslie Wetherell, Commissioner

By \_\_\_\_\_

Sherrie Wilkins, Commissioner

Mary H. Dyer/Recorder \_\_\_\_\_