

Jan. 9, 2019

Judge Farrar called the regular Gilliam County Court meeting to order at 10:00 a.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**

Commissioner Wetherell requested that review of Dec. 19, 2018 regular meeting minutes be removed from the Consent Agenda. A discussion regarding the matter was moved to Unfinished Business.

### **IN THE MATTER OF PUBLIC COMMENT**

There were no public comments.

### **IN THE MATTER OF CORRESPONDENCE**

- Letter from James H. Wright of Arlington regarding water for the Montague Wind Project: Wright requested that the Court reverse a prior agreement with Kevin Haguewood to provide water for construction of the Montague wind project. Wright expressed concern about exceeding the capability of Shutler Station water storage.
- Letter from Oregon DEQ to Gilliam County Planning Director Michelle Colby, providing a 2017 Material Recovery and Waste Generation Summary for the county's watershed. Information included the watershed's 2017 recovery rate, amounts of materials disposed and recovered, per capita disposal, recovery and generation rates, and a chart of year-to-year comparisons.

### **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:

- Approve December bills pending review
- Appoint Gilliam County Budget Officer Nathan Hammer
- Designate voting precincts: Arlington No. 1, East Condon No. 6, West Condon No. 7
- Designate county roads outside of incorporated areas of Arlington, Condon and Lonerock as Road District No. 1
- Designate Gilliam County depositories: Bank of Eastern Oregon, Banner Bank, LGIP

- Designate newspapers of record: Times-Journal and East Oregonian

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

The Court discussed the process for review of meeting minutes. The court agreed that Sandy McKay will submit a draft to Commissioner Wetherell for a second review before the document is submitted to other Court members.

Approval of the Dec. 19, 2018 meeting was tabled for further review.

### **IN THE MATTER OF BOARD AND COMMITTEE APPOINTMENTS**

Commissioner Wilkins agreed to take Commissioner Wetherell's place on the Columbia Ridge Landfill Citizens Advisory Committee. Other appointments are noted below.

**MOTION** by Commissioner Wilkins, second by Commissioner Wetherell, to approve the 2019 County Court member committee appointments and assignments as presented and amended. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

#### **Board and Committee Appointments**

##### **Judge Farrar**

Courthouse administration

Gilliam County Court security committee

Frontier Regional 911

Frontier Telenet (Alternate - Commissioner Wilkins)

Tri-County Community Corrections

Community Counseling Solutions Advisory Board

Gilliam County Coordinated Care Organization Community Advisory Council

Central Oregon Workforce Consortium (Alternate - Commissioner Wilkins)

Gilliam County 911 Board

Gilliam County Local Public Safety Coordinating Council

CREA (Community Renewable Energy Association)

Eastern Oregon Regional Solutions Executive Committee

##### **Commissioner Sherrie Wilkins**

Shutler Station Industrial Park Commissioner

NORCOR (Alternate - Judge Farrar)

Wolf Depredation Advisory Committee

CAPECO Board - Alternate

Mid-Columbia Council of Governments (until dissolution is complete)

Columbia Ridge Landfill Citizens Advisory Committee

##### **Commissioner Leslie Wetherell**

County Road and Weed Commissioner

Lower John Day Area Commission on Transportation (Alternate - Judge Farrar)  
North Central Public Health District  
Gilliam County Investment Advisory Board  
Gilliam County Emergency Management Planning Council  
Board of Property Tax Appeals

**All Court Members**

(Inactive) Gilliam County Economic Development Strategic Plan Advisory Committee

**IN THE MATTER OF INTERGOVERNMENTAL AGREEMENT**

Judge Farrar explained that an intergovernmental agreement between the State of Oregon, OPRD and Gilliam County is a standard agreement for management of high priority state-listed noxious weeds at Cottonwood Canyon State Park.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to approve an intergovernmental agreement between the State of Oregon and Oregon Parks and Recreation Department and Gilliam County. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

**IN THE MATTER OF HOMELAND SECURITY GRANT FOR BUILDING GENERATOR**

Emergency Management Coordinator Chris Fitzsimmons submitted a grant submittal request form for a State Homeland Security Grant. Fitzsimmons explained that the grant will be used to purchase a generator at the South Gilliam County Emergency Services Building. Fitzsimmons provided an Engineer’s Cost Opinion submitted by Pillar Consulting Group, estimating \$84,582.30, plus 20% contingency (\$16,915.50) for a total of \$101,498.80. No County match is required.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to approve Emergency Services’ request to apply for a Homeland Security grant for a backup building generator. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

Commissioner Wetherell commented that she recently attended a meeting of the North Central Public Health District, which included a discussion about emergency preparedness. She told Fitzsimmons of the group’s positive comments.

**IN THE MATTER OF FRONTIER TELENET EMERGENCY FUNDING**

Judge Farrar opened a discussion regarding Frontier Telenet’s request for emergency funding. In summary, Judge Farrar said there are a number of reasons for the request, but primarily, payments from the federal E-Rate program, which provide subsidies for broadband service to underserved school districts, have been placed on hold by the

Universal Service Administration Company (USAC) over program compliance concerns. As a result, FTN's member counties have been asked to provide emergency funding to keep the FTN system solvent. She noted that emergency funding is needed to pay the bills as FTN ran out of money in December.

Judge Farrar recommended that the court provide an immediate \$100,000 from the SIP Discretionary Fund, in the form of an emergency grant, to keep the system solvent; and to make available an additional \$100,000 grant pending presentation of a viable turnaround plan. She noted that Sherman County approved a \$100,000 loan, with potential for an additional \$100,000, which will come before the FTN board for final approval. She also said that Wheeler County is considering a loan at their meeting today. She asked commissioners to consider whether the court should grant the money, or whether it should be structured as a loan. She said her reasoning is that grant funds can be disbursed much more quickly, but primarily, because it's unlikely that the money will be paid back. She commented that it's the county's responsibility to ensure FTN is functioning.

Commissioner Wilkins stressed the importance of supporting the county's 911 system. She said she feels strongly that FTN must adhere to recommendations regarding how they will get their house in order, and that the court needs to see FTN's plan before approving the second grant. She also noted that two positions (Mike Smith and Rob Myers) were terminated, but that the estimated budget still includes payment to Mike Smith. Judge Farrar said the document was created by Sherman County Commissioner McCoy, who left the position in the budget as a placeholder because some type of management would be needed. However, it wasn't intended to specify a certain individual and currently, Smith isn't on contract.

Commissioner Wetherell asked Judge Farrar if any of AOC's recommendations were carried through. Judge Farrar said that in her view, the recommendations weren't carried through and the court will require a step-by-step process. She said it's clear that the board didn't have the AOC recommendations in place on the business plan and marketing plan.

Commissioner Wetherell asked Judge Farrar about funding levels under consideration by Wheeler County. Judge Farrar responded that she assumes the Wheeler County Court is also considering \$100,000, which would be pulled from funds that must be repaid. She said she isn't sure if Wheeler County is in a position to grant the money. Ruben Cleaveland said there's a chance that 2017-18 E-Rate dollars will be available. Judge Farrar agreed that the amount is considerable, but questioned the appropriateness of using E-Rate dollars to repay loans that were intended for an entire system and to keep 911 operational. She commented that it isn't fair to put the FTN board in a position where they're promising things that aren't realistic.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to approve an emergency grant to Frontier Telenet from the SIP Discretionary Line Item in the amount

of \$100,000, and to make available an additional \$100,000 grant pending the court's review and approval of a written turnaround plan by Frontier Telenet. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

Legal Counsel Ruben Cleaveland was directed to draft a simple grant agreement.

Judge Farrar also presented a draft of a letter outlining the court's commitment to Frontier Telenet, while recommending that the FTN board hire a turnaround consultant to ensure AOC's recommendations are implemented.

**MOTION** by Judge Farrar, second by Commissioner Wetherell, to approve a letter, amended to Jan. 9, 2019, to the Frontier Telenet Board regarding Gilliam County's support for emergency funding and hiring of an emergency systems project manager. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

### **IN THE MATTER OF EMPLOYEE HANDBOOK REVISION COMMITTEE**

Judge Farrar noted that the Employee Personnel Policies Manual was last updated in 2012, and needs to be updated to reflect current labor laws and the recently signed Collective Bargaining Agreement. She recommended that the Court appoint a temporary committee to produce a new manual for the Court's review and final approval later this spring.

**MOTION** by Commissioner Wilkins, second by Commissioner Wetherell, to appoint Elizabeth Farrar, Ellen Wagenaar, April Aamodt, Mike Durfey, and Sandy McKay to the Employee Handbook Review Committee. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

### **IN THE MATTER OF ROAD ADVISORY COMMITTEE**

Judge Farrar told the court that Roadmaster Dewey Kennedy has requested the County Court consider forming a Road Advisory Committee, whose role would be to provide advisory recommendations regarding County road system needs, plans, and policies to the roadmaster and the county court. She suggested a committee consisting of five to seven members appointed by the court, and that an effort would be made to ensure the entire county is represented, and that members are regular county road users.

The court agreed that Ruben Cleaveland, Commissioner Wetherell, and Roadmaster Dewey Kennedy should develop a plan for the court's review. Judge Farrar said she hopes the plan will be ready in the next couple of weeks so it can be approved in time for Kennedy to finalize his work plan for the coming year. Once the committee is officially formed, a notice will be posted to announce open positions.

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

Judge Farrar noted that the county's Strategic Plan for Economic Development was written in 2009, expired in 2015, and has not been seriously revisited since. She asked the court to consider if it would be valuable to create a new five-year strategic plan, and if so, ask opinions regarding suggested timing for the development of the plan.

Commissioner Wilkins commented that the strategic plan is a good tool, but it must be used. She asked if it would be easier to revise and update the current plan rather than starting over. Judge Farrar said the current strategic plan focuses on economic development, while there may be a broader view. Judge Farrar also asked if the court is interested in facilitated goal-setting for this year, assuming that the strategic plan won't be implemented until 2020. Commissioner Wilkins said she thinks goal-setting would be advantageous.

The court agreed that Judge Farrar and Sandy McKay will look into facilitation and process options, and the Court will then set a date for a work session.

### **IN THE MATTER OF BATCH PLANT REPAIRS AND UPGRADES**

In summary, Judge Farrar explained that the county owns a portable batch plant and leases it out to companies that typically pay a modest monthly rent plus per-batch fee. Currently, the plant is subleased by Thompson Brothers Construction to Hood River Sand and Gravel for work on the Leaning Juniper 2 and Montague wind projects. Judge Farrar asked the court to consider if the county should continue to own the plant, if there is value in keeping it in Gilliam County, or if another entity in the county might be interested in owning it. Sandy McKay said the Port Commission has been contacted and is considering the matter. McKay also explained that upgrade of the control system is estimated at \$35,000 to \$40,000, and replacement or repair of the boiler is estimated at \$15,000 to \$20,000. He reported that three bids for the control system have been submitted in response to the county's RFP, but the bids haven't yet been opened.

Commissioner Wilkins said the original reason for owning the plant no longer exists, and she thinks the county should sell the plant and get out of the business entirely.

Ruben Cleaveland commented that the plant has some usefulness, benefitting construction companies because they don't have to bring in a plant, thus allowing them to provide better prices. He said the Montague project is currently utilizing the plant, operated by Hood River Sand and Gravel. Ruben Cleaveland added that on the other hand, it isn't good for the plant to sit idle.

Commissioner Wetherell said she wants more time to consider the matter. A decision will be made at the next meeting.

### **IN THE MATTER OF COUNTY COURT MEETING EFFICIENCY**

**Meeting schedule and office hours:** Commissioners Wetherell and Wilkins agreed with Judge Farrar's suggestion that regular court meetings be held at 1 p.m. The Court discussed how the new meeting schedule would provide opportunities for the

Commissioners to hold morning office hours in the Courthouse. Farrar also noted that Judge Patnode has offered the Commissioners use of her office when quiet or privacy is needed on the mornings preceding Court meetings.

Commissioner Wilkins said she would like to establish office hours in Arlington, at the Gronquist Building, on second and fourth Wednesdays of each month.

The court discussed whether office hours should be publicized, and Commissioner Wetherell said she is still deciding what she wants to do. At present, she prefers that individuals contact her directly.

**Agendas and briefings format feedback:** Commissioners Wetherell and Wilkins indicated their approval of the new format. The staff will be asked to use a similar format, and the template will be shared with them.

**Scheduling of new agenda items:** Judge Farrar said she has a sense there is a significant backlog of work, and asked commissioners if they are comfortable if she makes decisions regarding which matters come before the court. Commissioners Wetherell and Wilkins indicated their approval and commented that the goal-setting session will help.

#### **IN THE MATTER OF SCHEDULING TOUR OF SWCD BUILDING**

The court discussed a potential tour of the newly constructed SWCD building. Ruben Cleaveland explained that the tour could be posted as a work session instead of a meeting, as there will be no deliberations. Judge Farrar will discuss possible dates with Herb Winters and a calendar will be prepared.

#### **IN THE MATTER OF SCHEDULING ANNUAL ROAD TOUR**

After discussion with Ruben Cleaveland, the Court agreed that road tours (north and south Gilliam County) will be posted and open to the public, with RSVPs encouraged for a seat on the bus. Dewey Kennedy, Ruben Cleaveland and Sandy McKay will coordinate the events, to be held on alternate (non-court meeting) Wednesdays.

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

Commissioner Wetherell:

- attended a North Central Public Health District meeting. She presented emergency preparedness calendars to court members, reported that there has been a measles case in the Gorge, that Center for Living is moving to a new building, which opens up more space for the Health District; and that the district is attempting to acquire funding to open the walk-in clinic five days per week instead of three. Lastly, she said that Wasco County is going to take over the

building codes division, and Scott Hagee will provide more information at an upcoming meeting.

- plans to attend a BOPTA training next week.
- will attend the Governor's Inaugural Gala next week. Commissioner Wilkins and Judge Farrar also indicated they plan to attend.

Commissioner Wilkins:

- met with Nancy Proctor, who provided a review of the Gronquist Building, including prospects for future use of the building. Commissioner Wilkins also discussed the possibility of the court using the building for meetings scheduled in Arlington, and for office space.
- is scheduled to tour Ardent Mills next week.
- proposed that the Feb. 6 court meeting be held in Arlington. The court agreed.

Judge Farrar:

- said she had a discussion with County Clerk Ellen Wagenaar regarding the possibility of making the commissioner positions non-partisan. If the Court approves, it is necessary to act fairly quickly so the matter can be placed on the ballot for the spring primary election. Commissioners Wilkins and Wetherell agreed there is no reason the positions should be partisan. Ruben Cleaveland said he will research the matter to determine the necessary process, which will be included on the agenda for the next meeting.
- explained the status of current juvenile court cases, noting there were four active cases when she took office -- one juvenile delinquency and three dependency cases. She signed court orders to send the cases to circuit court. New cases will be handled on a case by case basis until she is trained and the court has an opportunity to discuss any long-term changes.

## **IN THE MATTER OF ANNOUNCEMENTS**

- Sandy McKay noted that Frontier Telenet will meet Friday, and Tri-County Court will meet Jan. 23 in Fossil. Judge Farrar suggested that the regular court meeting



should be held that afternoon. Tri-County Court will be informed that Gilliam County Court will leave at noon.

- Commissioner Wetherell noted that Rep. Greg Walden will be at Arlington at 2:30 on Jan. 23. Scheduling conflicts were discussed.

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

The next regular Gilliam County Court meeting will be held Wednesday, Jan. 23, 2019, beginning at 1 p.m. at the Gilliam County Courthouse in Condon, Oregon.

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 11:20 a.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_  
Elizabeth Farrar, Judge

By \_\_\_\_\_  
Leslie Wetherell, Commissioner

By \_\_\_\_\_  
Sherrie Wilkins, Commissioner

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