

Gilliam County Court
Regular Meeting Minutes
December 18, 2019

Judge Farrar called the regular Gilliam County Court meeting to order at 10:04 a.m. at the Gronquist Building in Arlington, Oregon. Present were Judge Elizabeth Farrar, Commissioner Leslie Wetherell, Commissioner Sherrie Wilkins, Chief of Staff Lisa Atkin and Court Administrative Assistant Teresa Aldrich.

REVISIONS TO AGENDA

Agenda item 7.3 Consider Approval of Resolution No. R2019-09 Adopting a Use of County Credit Card Policy was pulled. Added under Unfinished Business was Agenda Item 6.0 - Waste Management Quarterly Review.

IN THE MATTER OF PUBLIC COMMENTS/CORRESPONDENCE

No Public Comment or Correspondence.

IN THE MATTER OF PUBLIC HEARING TO CONDUCT A COMPLIANCE REVIEW OF WASTE MANAGEMENT'S CONDITIONAL USE PERMIT, AS PART OF PERIODIC REVIEW FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A SOLID WASTE LANDFILL KNOWN AS COLUMBIA RIDGE LANDFILL AND RECYCLING CENTER

Judge Farrar opened the Public Hearing at 10:05 a.m. and explained that the proceedings were a QUASI-JUDICIAL Public Hearing and read the proceedings rules. Under the disclosure rule, Commissioner Wetherell disclosed a conflict of interest, stating her husband works at the landfill and recused herself from the proceedings. Hearing no other conflicts, Judge Farrar requested Michelle Colby, Gilliam County Planning Director, present the staff report. Colby presented a very thorough report, reviewing timelines and permit conditions. All exhibits in the staff report can be found on the Gilliam County website.

Every five years the permittee shall request that the County Court, after a recommendation by the Planning Commission and with the assistance of the Planning Director, review the conditional use permit. The last review was completed on February 15, 2012, at which time the Court approved the periodic review of the conditional use permit with changes to the Conditions of Approval that were recommended by the Planning Commission. The Planning Commission is requesting the Court review, modify and clarify the existing Conditions of Approval as required by Condition No. 1 of the Conditions of Approval adopted in February 2012 in conjunction with Conditional Use Permit CUP2011-01; Planning Commission Order No. 2011-01 (December 15, 2011) and subsequent Gilliam County Court Order No. 2012-01 (February 15, 2012). Following the staff report, Waste Management Disposal Services of Oregon (WMDS) had opportunity to address the Court. Alan Anderson, Senior District Manager thanked Colby for the permit review and addressed some questions from the Court regarding the litter patrol agreement with NORCOR. Anderson reported that the matter is still being addressed. In review WMDS is required to coordinate with the Planning Department to

conduct a comprehensive review of the conditions, propose new changes and get any proposed changes approved by the County Court by the end of June 2020. At this time in the proceedings, Judge Farrar asked for public testimony. There being no public testimony, Judge Farrar closed the Public Hearing at 11:29 a.m.

IN THE MATTER OF APPROVAL OF ORDER NO. 2019-01; PERIODIC REVIEW OF CONDITIONAL USE PERMIT 2019-05 FOR WASTE MANAGEMENT DISPOSAL SERVICES OF OREGON FOR COLUMBIA RIDGE LANDFILL AND RECYCLING CENTER

Judge Farrar asked the Court if they have any questions/concerns with moving forward with the conditional use permit. Commissioner Wilkins expressed her preference not to create Condition #24 as presented by the planning department. Both parties have agreed that this future work is just an agreement between the parties concerned and will be completed by the end of June 2020; as a result Condition #24 was not included in Order No. 2019-01. The Court recommends the adoption of Court Order No. 2019-05; Periodic Review of Conditional Use Permit 2019-05 for Waste Management Disposal services of Oregon for Columbia Ridge Landfill and Recycling Center.

Motion by Commissioner Wilkins, seconded by Judge Farrar, to move to adopt Court Order No. 2019-01 an order adopting Conditional Use Permit 2019-05 and affirming Waste Management is in compliance with Conditions of Approval as written in 2012. Farrar – Yes; Wilkins – Yes; Wetherell – Abstained; **Motion Carried.**

Brief Recess 11:35 a.m.

Back is Session 11:48 a.m.

IN THE MATTER OF CONSENT AGENDA

Motion by Commissioner Wetherell, second by Commissioner Wilkins, to approve the Consent Agenda. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

The Consent Agenda included the following:

Approval of November 14th Executive Session Minutes

Approval of December 4th Regular Meeting Minutes

Approval of Extension of Haguewood Water Purchase

IN THE MATTER OF WASTE MANAGEMENT QUARTERLY REPORT

Senior District Manager, Alan Anderson presented the Waste Management quarterly report. He reported on Columbia Ridge and Chemical Waste Management 4th quarter 2019 volumes and host fees. Year to date Columbia Ridge has paid Gilliam County \$3,878,399 in host fees and Chemical Waste Management has paid \$125,944 in host fees. The site updates were as follows: no safety accidents, hiring activity, looking at adding runs to the current commuter bus from Condon and Goldendale. A spray-on hard shell liner process has been implemented at both Seattle facilities and exploring this for outbound loads in Arlington. Waste Management has also contracted with

WATCO to provide maintenance/sealing of all gondolas in the fleet; 90 have been completed thus far. The presentation also included a contact list for Waste Management.

IN THE MATTER OF FRONTIER TELENET

Judge Farrar reported that all of the U-SAC funds have been received. Judge Farrar noted the good progress Frontier Telenet has made in the past year.

IN THE MATTER OF FIBER COUNCIL

Judge Farrar reported that she has been working with the City of Condon's Administrator, Kathryn Griener on negotiating with several potential dark fiber customers; Legal Counsel, Kristy Monson, is working on drafting an agreement for potential customers.

IN THE MATTER OF SECOND READING AND ADOPTION OF ORDINANCE NO. 2019-03; AN ORDINANCE TO ADOPT PROPOSED TEXT AMENDMENTS TO GILLIAM COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

During its regular December 4, 2019 meeting, the County Court conducted the first reading of Ordinance No. 2019-03. For adoption the County Court is required to have a second reading at least 13 days apart.

Motion by Commissioner Wetherell, seconded by Commissioner Wilkins, to have the second reading of Ordinance No. 2019-03 by title only. Farrar – Yes; Wilkins – Yes; Wetherell – Yes; **Motion Carried.**

Judge Farrar read Ordinance No. 2019-03 by title only.

Motion by Commissioner Wetherell, seconded by Commissioner Wilkins, to accept the second reading of Ordinance No. 2019-03 by title only. Farrar – Yes; Wilkins – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF SECOND READING OF ORDINANCE NO. 2019-04; AN ORDINANCE DESIGNATING THE OFFICE OF GILLIAM COUNTY COMMISSIONER AS NONPARTISAN; REFERRED FOR THE MAY 2020 PRIMARY ELECTION

During several meetings, the Court has expressed an interest in designating the office of County Commissioner as nonpartisan. ORS 203.035(3) requires that county electors must approve any ordinance which changes the mode of selection of elective county officers, including the designation of a partisan office as nonpartisan. Legal Counsel, Christy Monson, has prepared Ordinance No. 2019-04 which refers the matter to the voters on the May 2020 Primary Election Ballot. If adopted by the Court and approved by the voters, the Ordinance would take effect 90 days after the election and the position of County Commissioner would become nonpartisan for the Primary Election of 2022. For adoption by the Court, the Ordinance requires two readings, at least 13 days

apart. Once adopted, there is a multi-step process which involves the District Attorney and County Clerk.

Motion by Commissioner Wilkins, seconded by Commissioner Wetherell, to have the second reading of Ordinance No. 2019-04 by title only. Farrar – Yes; Wilkins – Yes; Wetherell – Yes; **Motion Carried.**

Judge Farrar read Ordinance No. 2019-04 by title only.

Motion by Commissioner Wilkins, seconded by Commissioner Wetherell, to accept the second reading by title only and to adopt Ordinance No. 2019-04. Farrar – Yes; Wilkins – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF RESOLUTION NO. R2019-07; A RESOLUTION AUTHORIZING THE SALE OF GILLIAM COUNTY REAL PROPERTY

The Court has received some questions/concerns from an adjacent landowner. This item will be tabled until the January 8th regular meeting.

IN THE MATTER OF PERS EMPLOYER INCENTIVE FUND (EIF) PAYMENT

During the November 6, 2019 meeting the Court approved through consensus the County Clerk and County Treasurer submitting an application for the PERS Employer Incentive Fund payment. The application was submitted and Gilliam County is currently #17 on the waiting list. Although unlikely, there remains a possibility the County will still receive the requested matching funds and will therefore need to make a significant payment with relatively short notice. In preparation for this, Judge Farrar requested the Court pre-approve payment to the PERS Employer Incentive Fund should the County be notified they have reached the top of the waiting list and the matching funds are now available.

Motion by Commissioner Wilkins, seconded by Commissioner Wetherell, to approve a lump sum payment of up to \$1.2 million for the PERS Employer Incentive Fund; funds to be taken from the SIP Discretionary Line Item (235-100-5-50-5120).

Farrar – Yes; Wilkins – Yes; Wetherell – Yes; **Motion Carried.**

Recess for Lunch 12:20 p.m.

Back in Session 12:39 p.m.

IN THE MATTER OF DRIVE-IN LOAN MODIFICATION

The County has an existing business development loan with Ms. Vicki Ackerman for the *Drive-In* in Condon. Ms. Ackerman contacted the County Court for a possible loan modification. The County Treasurer reports Ms. Ackerman is making regular payments on the loan. After a discussion, the Court agreed to move forward with a reprieve from

loan payments for 6 months, and extending the term of the loan to accommodate. Judge Farrar will contact legal counsel to draft an amendment to the loan agreement.

IN THE MATTER OF RESOLUTION NO. R2019-08; A RESOLUTION ADOPTING A PUBLIC RECORDS REQUEST POLICY AND PROCEDURE

The policy establishes a process for Gilliam County personnel to receive and respond to public records requests. The policy ensures Gilliam County complies with current Oregon Public Records Law. Gilliam County's Public Records Request Policy and Procedure was last updated in 2008. Legal Counsel, Jeremy Green and Katie Clason, drafted the policy.

Motion by Commissioner Wilkens, seconded by Commissioner Wetherell to approve Resolution No. R2019-08 and to adopt the Public Records Request Policy as presented. Farrar – Yes; Wilkins – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF RESOLUTION NO. R2019-09; A RESOLUTION ADOPTING A USE OF COUNTY CREDIT CARD POLICY

This item was pulled from the agenda.

IN THE MATTER OF PIONEER COMMUNITY DEVELOPMENT CORPORATION (PCDC) HOUSING MEMORANDUM OF AGREEMENT (MOA)

PCDC is seeking clarification from the County Court on the Memorandum Of Agreement both parties entered into in February 2018. During the 2018 negotiation of the MOA with the previous County Court, the Housing Solutions Team had recommended PCDC be able to utilize up to 10% of the County funds to cover their administrative expenses for the housing programs. However, that provision was never included in the agreement or amendment. After discussion it was the consensus of the Court to contact legal counsel to draft an amendment to the MOA. This item will be on the County Court agenda on January 8 or 22, depending on response from legal counsel.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- Attended North Central Public Health District meeting on December 12 and advised the Court there may be a request for increased funding next year. She expressed concern over the retirement of Teri and a replacement plan. Judge Farrar suggested perhaps Teri could attend a budget committee meeting and explain more about the program and at that time request additional funding.
- Was able to attend some community events including the Festival of Trees, Annual Church Bazaar, and reported that Senator Merkley will be in Condon on January 5.

Commissioner Wilkins

- Attended NORCOR Meeting December 19.
- Attended Employee Holiday Luncheon on December 17.

Judge Farrar:

- Attended the Oregon Leadership Summit in Portland on December 16.
- Working on finalizing the year, policies and staff reporting standardization.
- Reported that Lisa will be attending a Crucial Conversation Training to become a Trainer. The goal is to bring back these essential skills to all Gilliam County employees in the form of a cost effective self-sustaining training plan.
- Reported that Lisa has been working with her direct staff on Performance Management and goal setting for 2020, to align staff's focus to the strategic vision for the County. She also reported that the other Elected Officials are interested in the process and requested Lisa attend the next Elected Officials luncheon to present this tool.

IN THE MATTER OF ANNOUNCEMENTS

Judge Farrar noted the following:

- Next County Court meeting will be held January 8 in Condon.
- Next County Court Work Session is January 8, 9:00 am; to review grant parameters, procedures and reporting.

IN THE MATTER OF ADJOURNMENT

It appearing to the Court that there was no further business to be conducted at this time, Judge Farrar adjourned the meeting at 1:33 p. m.

GILLIAM COUNTY COURT

By _____

Elizabeth Farrar, Judge

By _____

Leslie Wetherell, Commissioner

By _____

Sherrie Wilkins, Commissioner

Teresa Aldrich _____

Court Administrative Assistant