

Gilliam County Court
Regular Meeting
February 6, 2019

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

IN THE MATTER OF CHANGES TO THE AGENDA

There were no changes to the agenda.

IN THE MATTER OF PUBLIC COMMENT

There were no public comments.

IN THE MATTER OF CORRESPONDENCE

- From Gilliam County Sheriff Gary Bettencourt, in his role as Fire Services Board Director: Asked the Court to consider taking the Fire Services Board's single employee as an employee of Gilliam County, which would provide a better benefits package, eliminate potential liability of having the employee do their own payroll, and relieve budget pressure for the Fire Services Board.
- From Gilliam County Fire Services Coordinator Shannon Coppock: Thanked the County for its support of the Fire Services District and suggested ways the grant process might be improved. Coppock is retiring in June.

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 bills pending review
- Approval of January 23 meeting minutes
- Appointments to CAPECO Board: Sherrie Wilkins, Primary; Mike Weimar, Alternate
- Set FY 2019-20 budget calendar

IN THE MATTER OF FRONTIER TELENET UPDATE

Judge Farrar reported that the Frontier Telenet Board of Directors has met once since the January 23 court meeting. She noted that Sherman County has approved a 0%

interest loan of \$100,000, to be paid back over a period of about six months. The FTN board has accepted the loan. Wheeler County Court has proposed a loan of \$100,000 to FTN, at 2.5% interest, to be paid back over a period of four years. The FTN board tabled approval of the loan until Wheeler County Court has officially approved it. Judge Farrar noted her concern that the FTN board hasn't yet developed a plan to repay the loans. She has informed the board that Gilliam County is considering alternate ways of supporting FTN, including paying for certain expense and improvements instead of providing funds for general operational expenses, thus promoting greater sustainability. She also told the FTN board that Gilliam County is willing to bring finances in-house, and several audience members spoke in support. However, no decisions have been made, and it isn't yet necessary for the FTN Board to take action on engaging a turnaround consultant, as discussed at a previous court meeting.

Lastly, Judge Farrar reported that while historically, FTN's audits have been positive, this year's audit indicates that FTN may not survive another year. Emergency support will likely be needed.

Commissioner Wilkins, who was present for most of the meeting, said that Jeanne Burch has resigned as FTN's bookkeeper. Judge Farrar confirmed that Burch resigned at the end of the meeting, but said the resignation wasn't formally accepted and has yet to be confirmed.

The next meeting of the FTN board of directors is scheduled for February 26, 10 a.m., at the Sherman County Courthouse.

IN THE MATTER OF RESOLUTION NO. 2019-01

Ruben Cleaveland presented a red-lined copy of Resolution No. 2019 to establish the Gilliam County Road Committee for the court's review. He explained that the committee shall consist of five members -- one member who is a property owner or resident in each of the four zones, plus one at-large member who owns property or resides anywhere in Gilliam County. He acknowledged that the zone designations (dividing the county by Highways 19 and 206), are less than perfect, but noted that the Resolution allows the court consider other factors when selecting members -- primarily an overall interest in the county road system. Cleaveland also stated that members will be appointed for three-year terms, with the exception of the initial appointments, which will be staggered.

MOTION by Commissioner Wilkins, second by Commissioner Wetherell, to adopt Resolution 2019-01, a Resolution of the Gilliam County Court to establish the Gilliam County Road Committee. Farrar – Yes; Wetherell – Yes; Wilkins – yes; **Motion Carried.**

The Court returned to the matter briefly later in the meeting and decided that the positions will be announced in the Times-Journal, with applications due by February 27 for appointments at the March 6 regular court meeting.

IN THE MATTER OF FACILITATED GOAL SETTING WORK SESSIONS

Judge Farrar presented a proposal prepared by Lindsay Hill of Hill2 Consulting for a facilitated goal setting work session. As lead consultant, Hill proposes to conduct a three-phase process consisting of the following:

Phase One: Outreach and Assessment: Review past strategic, economic development and other plans, conduct confidential interviews with commissioners and possibly other community members, and distribute and analyze virtual surveys.

Phase Two: Design and deliver a facilitated three- to four-hour work session to produce a set of goals and action plans.

Phase Three: Utilize outputs of the work session to prepare a one-page document of goals and actions to guide the work of the court and inform the public.

Judge Farrar noted that the cost, at \$2,000, is all-inclusive.

MOTION by Commissioner Wetherell, second by Commissioner Wilkins, to accept a proposal from Hill2 LLC for a facilitated work session, and that Sandy McKay and Judge Farrar will move forward with scheduling. Farrar – Yes; Wetherell – Yes; Wilkins – yes; **Motion Carried.**

IN THE MATTER OF UPDATED FRONTIER TELENET GOVERNANCE IGA

In summary, Judge Farrar explained that the Frontier Telenet Board of Directors, at its last meeting, reviewed and approved a restatement of the Intergovernmental Agreement creating the organization. The restatement was necessary to accurately reflect changes in membership since North Central ESD's departure several years ago. The restatement also clarifies that each court can select the designee and alternate of their choosing, and that board positions do not have to be held by the county judges.

Judge Farrar also said that according to Ruben Cleaveland, the court is not required to pay bills if FTN defaults. Cleaveland further clarified that the court wouldn't be liable for bills unless a decision is made by the Court to be a party to the contract.

Commissioner Wetherell inquired about the FTN office in Moro. In response, Judge Farrar said that there is nothing in the office right now, and the files have been transferred to Wheeler County.

MOTION by Commissioner Wetherell, second by Commissioner Wilkins, to accept the restated Intergovernmental Agreement with Sherman and Wheeler Counties creating Frontier Telenet. Farrar – Yes; Wetherell – Yes; Wilkins – yes; **Motion Carried.**

IN THE MATTER OF LEGAL COUNSEL UPDATE

Ruben Cleaveland informed the court that he has withdrawn from a partnership with Annala, Carey VanKoten & Cleaveland to form a new firm with Victor VanKoten, to be known as VanKoten & Cleaveland LLC. He advised that the court isn't obligated to continue with the new firm.

Judge Farrar asked for feedback from commissioners, noting that the county shouldn't be without legal counsel at this time, but an RFP is an option for the future. Sandy McKay pointed out that the possibility of issuing an RFP for legal services was discussed by the prior court, with an ultimate decision to remain with Ruben Cleaveland. Commissioner Wetherell said she is still of that opinion but is willing to go along with the court's decision. Commissioner Wilkins addressed the matter of crossover in entities represented within the county. Cleaveland acknowledged that conflicts come up from time to time, but it usually isn't an issue to attain outside counsel.

Les Ruark was in the audience and asked that his comments be placed on the record. He said it's necessary to continue with Cleveland for now given the importance of the situation with Frontier Telenet. However, he urged the court to consider its use of legal counsel and how it meshes with other entities in the county. Ruark acknowledged Cleaveland's good work and said it isn't a matter of dissatisfaction, but the court's responsibility to consider the overall picture.

MOTION by Judge Farrar, second by Commissioner Wetherell, to contract with VanKoten & Cleaveland LLC for the county's legal services. Farrar – Yes; Wetherell – Yes; Wilkins – yes; **Motion Carried.**

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- Noted that her first meeting as a member of the Lower John Day Area Commission on Transportation was canceled due to inclement weather.
- Said she has been contacted lately regarding the summer internships funded in part by the county and how the matter will be addressed this year. It was the court's consensus that requests for funding should go through the same budget process as other applicants.

Commissioner Wilkins:

- Met with K'Lynn Lane, Condon Chamber of Commerce Executive Director, regarding the chamber's current projects and plans for the future.
- Had lunch with Sheriff Bettencourt, who provided information regarding NORCOR's board, function of the jail, etc.

- Attended a meeting of the Frontier Telenet Board of Directors, which provided an opportunity for networking with board members.
- Plans to attend County College next week.
- Intends to be at the Courthouse every other Wednesday (alternating Wednesdays with regular court meetings).

Judge Farrar:

- Said she will be in Salem next week. She has agreed to serve on AOC's legislative committee, which meets on Monday. She will begin the process of making requests for state funding and will also attend County College later in the week.

IN THE MATTER OF PRESENTATION ON MONTAGUE WIND PROJECT

Chase McVeigh-Walker, Siting Analyst for the Oregon Department of Energy and Lead Analyst on Montague Phase 2, noted that Oregon's Energy Facility Siting Program oversees the review, decision-making, and compliance of most large-scale energy-generating facilities in Oregon.

Through a series of slides, McVeigh-Walker provided overviews of the Montague project and ODE's siting process, including the site certificate and amendment process. He also outlined the roles and responsibilities of the Gilliam County Court as a Special Advisory Board.

At the completion of the presentation, Walker provided clarifications and answered questions presented by the court, audience members, and Gilliam County Planning Director Michelle Colby.

In response to a question presented by Judge Farrar, Commissioners Wetherell and Wilkins indicated they don't think it's necessary for the court to submit comments, which are due by Feb. 20.

IN THE MATTER OF ANNOUNCEMENTS

- A work session scheduled for next week, Feb. 13, has been canceled.
- The next regular court meeting will be held at the Gilliam County Courthouse, Wednesday, Feb. 20, 1 p.m. A work session to discuss grant program updates is scheduled for 9 a.m.
- The next meeting of the Frontier Telenet Board of Directors will be held at the Sherman County Courthouse, Feb. 26 at 10 a.m.

IN THE MATTER OF ADJOURNMENT

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 2:55 p.m.

GILLIAM COUNTY COURT

By _____

Elizabeth Farrar, Judge

By _____

Leslie Wetherell, Commissioner

By _____

Sherrie Wilkins, Commissioner

Mary H. Dyer/Recorder _____

