

3-07-18

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:00 a.m. The meeting was held at Gilliam County Courthouse in Condon, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar, Commissioner Leslie Wetherell and Mary Dyer, Recorder.

IN THE MATTER OF CHANGES TO THE AGENDA

Judge Shaffer noted that the Court may enter into Executive Session in accordance with 192.660 (2) (e), Real Estate Transactions.

IN THE MATTER OF PUBLIC COMMENT

No public comments were heard.

IN THE MATTER OF WEED CONTROL OFFICER STAFF REPORT

Weed Control Officer Don Farrar presented a Staff Report, which included the following:

- One new site of leafy spurge has been found on the John Day River near Ferry Canyon.
- Regarding movement of equipment involved in construction of the new wind farm, Farrar has been working with contractors on ways to mitigate transport of weeds into the County.
- Survey and control has been completed for skeleton weed and yellow star thistle in Scott Canyon for this year.
- The fairgrounds will be treated soon, including both annuals and bare ground.
- Weed control on County roads have begun with bare ground treatment 50 percent complete.
- Treatment of ODOT roads is 50 percent complete.
- Farrar recently met with BLM regarding GPS for their survey and control sites.
- BLM funding for weed control in Gilliam County will be a little higher this year, due to the need for more weed control on the John Day River and Hay Creek.
- BPA funding in the amount of \$3,500 will be provided via credit cards this year, not contracts.
- Treatment around BPA poles has begun.
- Union Pacific Railroad training has been completed and an agreement submitted for \$4,000 treatment costs.
- This year's Corps of Engineers agreement for weed control along the Columbia River is \$2,500.
- The Warm Springs Tribe has been contacted about a weed survey and control on Tribal land, including a large patch of skeleton weed. The Tribe is waiting for

their budget to be approved; however, it looks like \$1,500 to \$2,000 will be provided for weed control in Gilliam County.

- The Courthouse and Burns Park lawns were fertilized in early December, and will be treated again in April.
- An ODA grant for watershed weed control in Thirty-Mile and Ferry Canyon has been funded.
- Farrar has been working with several landowners about noxious weed control in high-risk fire areas.
- A large infestation of skeleton weed has been discovered near Hay Creek. It has been treated, but ongoing control will be needed.
- Treatment continues on gravel pits and stock piles.
- Shutler Industrial Park will be treated soon.
- Last year's spray reports have been completed and entered in Spraymapper.
- Farrar reported he is working on grant writing with the Watershed Council, and also attended a meeting of the State Weed Board.
- Farrar also presented an Oregon Department of Agriculture press release regarding award of grants for noxious weed control, along with a list of rewards.

IN THE MATTER OF ARLINGTON PUBLIC LIBRARY REQUEST

The Court received a request for funding in the amount of \$20,000 for the 2018-19 fiscal year. The request will be included with other funding requests for consideration at the upcoming budget meetings.

IN THE MATTER OF PUBLIC HEARING: WEED CONTROL SPECIAL ASSESSMENT

At 10:30 a.m., Judge Shaffer opened a public hearing on the Gilliam County Weed Control Special Assessment. Weed Control Officer Don Farrar noted that no changes or increases are planned. He also said that the Assessment funds a portion of salaries, mostly when combined with grants.

No public comments were offered and Judge Shaffer recessed the Hearing, which will continue March 21 in Arlington.

IN THE MATTER OF 2018-19 BUDGET

After brief discussion, the Court reach a consensus to send reminder letters to entities that might wish to make funding requests for consideration during this year's budget discussions. The list of recipients and the content of the letters will remain the same as previous years.

IN THE MATTER OF APPROVAL OF ACTIVITIES IN COUNTY RIGHT OF WAY

The Court discussed an Application for Activities in Gilliam County Right of Way submitted by Rex Atkinson. Commissioner Weimar asked if the construction is related to the fiber build, and Judge Shaffer explained that the project is part of Zayo's fiber

build but has nothing to do with the Arlington to Condon fiber build. Commissioner Weimar also asked if the project will affect the railroad and Judge Shaffer said that construction won't be close enough to create problems with the crossing.

MOTION by Commissioner Weimar, second by Judge Shaffer, to approve an Application for Activities in Gilliam County Right-of-Way submitted by Rex Atkinson for removal of existing fence in the right of way and building a new fence on the right of way line. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF REQUEST FOR LETTER OF SUPPORT

Community Development Coordinator Rachel Weinstein asked the Court to provide a letter of support to be submitted to Oregon Department of Transportation for a Federal Land Access Program grant. The grant would fund a feasibility study of a proposed multi-use paved path from Condon to Cottonwood Canyon State Park. Weinstein said that if the project is approved, construction wouldn't begin until at least 2022. The Court agreed to sign a letter, which will be drafted by Weinstein.

IN THE MATTER OF CONTRACTS WITH INLAND DEVELOPMENT

The Court discussed remaining steps involved in finalization of contracts with Inland Development for Indefeasible Right of Use (IRU) and Maintenance and Repair Services for the Arlington to Condon fiber build. Gilliam County Fiber Attorney Jim Deason was present via speaker phone. Condon City Administrator Kathryn Greiner and City of Condon Fiber Consultant Adam Haas were also present.

Judge Shaffer said that remaining steps include approval of the contract, which will be provided to City of Condon, approval of funds from the County's Project Development line item for 12 pairs of fibers and a monthly recurring cost of \$2,000, a decision how funds will be disbursed, and selection of a project manager.

A discussion ensued whether it would be best to sign the contract now or to wait for the City to review the contract. Haas said it's important for the Court to vote today, but Deason said the Court could take action to confirm the financial commitment today but he cautioned approving the specific contract noting the drafts may need to be tweaked after the City reviews the document. Discussion continued regarding the pros and cons of signing the contract today.

MOTION by Judge Shaffer, second by Commissioner Wetherell, to approve \$1,288,839.50 from the Project Development line item for 12 pairs of fiber with a recurring cost of \$2,000 per month for twenty years Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Judge Shaffer said he wants to ensure the City is able to review the Contract. He also noted that although County Fiber Consultant Joe Franell was unable to be present, he had reviewed the Contract and was comfortable that everything was in order. Commissioner Wetherell asked if the Court would be setting the project back by

delaying signing the contract until the next meeting. Haas said that signing today would send a message to Inland that the City and County are moving ahead together. He said he doesn't anticipate any change to the County's agreement based on what the City does.

Commissioner Weimar said he hasn't had an opportunity to look at the latest document, which he received at 8 p.m. last night. He indicated he isn't ready to sign today.

Commissioner Wetherell asked if a decision could be made today regarding a fiscal agent and project manager. Judge Shaffer indicated those decisions could be made today.

In response to a question by Commissioner Weimar, Deason said the contract reflects a single project manager, but each party would pay Inland directly with no need for escrow or consolidation of funds. He said the Contract was revised at Inland's request to function as follows: Inland will notify the project manager when a project milestone has been achieved. The project manager will review the work and when the milestone is certified, will notify both parties. At that time, each party will pay its portion directly to Inland.

Deason said that Inland initially requested an arrangement in which payments would be placed in escrow to be managed by the County, but if that isn't the case, the company is now comfortable with each party paying directly. Judge Shaffer said the County still has the option of disbursing the funds by a single individual, and Deason confirmed that's correct.

Commissioner Wetherell said she was prepared to make a motion that City of Condon be appointed fiscal agent, but noted that "this is new," and asked what has changed. Judge Shaffer said he has no problem with appointing the City as Fiscal Agent.

MOTION by Commissioner Wetherell, second by Judge Shaffer, that City of Condon be appointed fiscal agent for the Arlington to Condon fiber build.

Commissioner Weimar asked why appoint a fiscal agent now if each entity is writing a check directly to Inland. At this point, Commissioner Wetherell also asked what changed from the previous document, in which Inland requested one project manager and one fiscal agent. Commissioner Weimar said that the Court might need to clarify why the payment arrangement was changed. He said he has no problem with appointing a project manager, but it seems that appointing a fiscal agent seems like an extra step. Judge Shaffer said he thinks that Inland wants assurance that they will receive money from at least one of the entities. Adam Haas agreed that Inland wants certainty, but said the company initially requested that payment be made from one entity with that entity being fully funded, which provides more assurance. Haas said he didn't know what changed since that discussion.

Deason said the new draft allows each party to make its own direct payment. It's not a problem if the County wants to appoint a fiscal agent, but would probably create an extra step that isn't required by the company.

At this point, Judge Shaffer pointed out there is a motion on the floor that City of Condon be appointed fiscal agent for this project.

Shaffer – Yes; Weimar – No; Wetherell – Yes; **Motion Carried.**

Judge Shaffer briefly outlined the City's proposal that Adam Haas be appointed project manager for the Arlington to Condon fiber build.

MOTION by Judge Shaffer, second by Commissioner Weimar, to select Adam Haas of Converge Communications as project manager for the Arlington to Condon fiber build. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Haas briefly discussed his background with Converge Communications. Regarding the addition of fiber pairs, he explained that adding fiber is inexpensive; expense lies with construction and installation. He also said the project is an investment that provides limitless capacity for economic development in the future.

Commissioner Wetherell asked if any other decisions need to be made today regarding disbursement of funds, and Judge Shaffer said \$2,000,000 was budgeted and placed in a line item during last year's budget procedures, and he sees no reason not to disburse the payment in a lump sum. He confirmed that the process is straightforward: the project manager approves each milestone and the City writes a check.

Haas said the project shouldn't be too time-consuming and explained that he will check each milestone, perform spot checks along the way, and confirm that the project has been completed properly with no kinks in the fiber or other problems.

IN THE MATTER OF NATURAL HAZARDS MITIGATION PLAN UPDATE

Emergency Services Coordinator Chris Fitzsimmons presented an agreement with the State of Oregon Department of Land Conservation and Development, Gilliam County and Hood River County, and the University of Oregon, in which DLCD agrees to fund services of a University of Oregon RARE program student at a cost of up to \$35,000, with a \$1,000 in-kind match from the County. The student, who will be available until Aug. 31, will perform an update of the Natural Hazard Mitigation Plan for both counties. Fitzsimmons explained that the plan, which must be reviewed and updated every five years, expires in April, 2018. Fitzsimmons also introduced the student to the Court.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve an agreement with DLCD for a RARE student for Gilliam and Hood River Counties for development of a Natural Hazard Mitigation Plan update. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF LONEROCK BRIDGE PROJECT AGREEMENT

The Court briefly discussed changes in an agreement between Gilliam County and Oregon Department of Transportation for the Lonerock Bridge Project. Roadmaster Dewey Kennedy is aware of the changes.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve ratification of revisions to the Local Agency Agreement No. 31741 for Lonerock Bridge project. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF LEGAL COUNSEL

The Court discussed the matter of changes in legal counsel due to the recent passing of Will Carey, noting that the County was contracted with not just Carey, but with his firm. The firm can assign counsel, which is currently being provided by Reuben Cleaveland. Cleaveland's experience was questioned, and Commissioner Wetherell asked for bios of all members of the firm. Court Administrator Leanne Durfey will provide that information. Commissioner Weimar expressed concern that the County is sometimes facing situations where the same attorney represents both sides. No decisions were made.

IN THE MATTER OF COURT STAFF RECRUITMENT UPDATE

The Court discussed the process involved in hiring a replacement for Court Administrator Leanne Durfey. The position has been posted in The Times-Journal and on the County's website. The Court agreed with Commissioner Wetherell's suggestion that the job should be posted to a wider audience to expand the selection of potential hires. Commissioner Wetherell asked why the posting had been delayed and Judge Shaffer responded that it was a matter of waiting for LGPI to respond to questions, and that Human Resources Consultant Ruth Mattox was away for a few days. Judge Shaffer noted that LGPI has offered their services during the hiring process, and Commissioner Wetherell asked exactly what LGPI has offered to do. Judge Shaffer said LGPI would help determine the requirements of the position, interview questions, etc.

MOTION by Commissioner Wetherell to post the job in the East-Oregonian, Times-Journal and The Dalles Chronicle, as well as the League of Oregon Cities, Association of Oregon Counties and Oregon City/County Management Association.

Judge Shaffer commented that Durfey usually takes care of this aspect of the hiring process, but Durfey indicated that the work is too time-intensive considering the work that must be completed before she leaves the job. She also indicated that posting the position to a wider audience creates a considerable body of work. Judge Shaffer said the Court doesn't have the capability to handle the entire process. Commissioner Wetherell expressed concern that the process might be slowed down due to the current

changes at LGPI. The job closes on March 28. It was noted that a motion was still on the table.

MOTION was seconded by Commissioner Weimar. Shaffer, – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF TRANSPORTATION BUILDING

County Transportation Coordinator Marla Davies was present to discuss expansion of the bus barn, including a revised project summary provided by Jeff Schott of Pillar Consulting. The revision, which would expand the space to accommodate two larger buses, would trim the cost of the original, more comprehensive plan to \$284,000. She noted that a new building would probably cost around \$400,000, which is less on a square foot basis.

Davies said she can get an extension on federal grant funds provided through ODOT. The Court agreed to table further discussion until the next meeting. Schott will be asked to attend.

Judge Shaffer commented that the County's transportation program has grown tremendously and will continue to grow. He commended Davies for her work.

IN THE MATTER OF GRAIN LAB

Judge Shaffer reported that Waste Management has expressed interested in leasing the Grain Lab building.

IN THE MATTER OF EXECUTIVE SESSION

Judge Shaffer declared the meeting to be in Executive Session pursuant to ORS 192.660 (2)(e), Real Property Transactions at 1:20 p.m. Separate minutes were taken and will be filed in the office of the County Clerk.

RECONVENED: The regular meeting was reconvened by Judge Shaffer at 1:35 p.m.

IN THE MATTER OF HUMAN RESOURCES ASSESSMENT

City County Insurance Services HR Consultant Sharon Harris, along with HR Analyst Pam Bowles, provided a Human Resources Assessment. Harris noted that the County's HR practices are mostly in good shape, but she discussed several recommendations for best practices. She also recommended that the County, with more than 50 employees, needs an HR person, at least part time.

IN THE MATTER OF JANUARY 31 SPECIAL MEETING MINUTES

MOTION by Commissioner Wetherell, second by Judge Shaffer, to approve Jan. 31 special meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FEBRUARY 7 REGULAR MEETING MINUTES

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve Feb. 7 regular meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FEBRUARY 14 REGULAR MEETING MINUTES

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve February 14 regular meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FEBRUARY 21 REGULAR MEETING MINUTES

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve Feb. 21 regular meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FEBRUARY 14 EXECUTIVE SESSION MINUTES

Approval of Feb. 14 executive session minutes was tabled.

IN THE MATTER OF FEBRUARY CLAIMS PENDING REVIEW

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve February claims pending review. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF CORRESPONDENCE

The Court received the following correspondence:

- A letter from April Aamodt expressing interest in appointment to the Columbia Ridge Landfill Citizen Advisory Committee. The Court noted that there isn't currently an opening on the Committee, but statute may allow an additional position. The matter will be investigated with a decision made at a later time.
- The Court acknowledged the receipt of a letter signed a concerned Oregon citizen, noting the past practice of the Court has been to acknowledge the receipt but not to respond to unsigned letters.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- attended an open house hosted by Avangrid. The event, held at the Gronquist Building, provided information about the wind project.

- attended a meeting with North Central Public Health District regarding budgetary matters and funding.
- received an email with Frontier Telenet's financials. She expressed concerned that the organization's accounting procedures could be improved. Judge Shaffer said the organization is considering a revamp of procedures, including financials.

Judge Shaffer:

- also attended the open house hosted by Avangrid. The possibility of a combination of wind, solar and battery storage was part of the presentation.
- noted that NORCOR continues to address issues surrounding housing of ICE prisoners. He explained that a person without a criminal record can't be housed at NORCOR. He also noted that Hood River County is going to approach the board about closing down the juvenile facility, which Judge Shaffer thinks is a big mistake.
- attended a meeting of the local Continuing Care Organization.
- met with John Anderson of Wheatland Insurance regarding the County's Rail Liability policy anti-terrorism rider. The County has opted not to add this coverage.
- attended an elected official's luncheon.

Commissioner Weimar:

- attended a recent CAPECO meeting and noted the organization continues to move forward with possible acquisition of the AAA program.
- attended a recent meeting of MCCOG, at which the board voted to sell the building to a nonprofit organization. The sale is still being negotiated.
- discussed the need to invest windfall funds in reserves for future repair and maintenance of the County's roads and buildings. Judge Shaffer said it might be time to discuss the Pennington Reserve Fund.

IN THE MATTER OF THE NEXT COURT MEETING

The next regular Gilliam County Court meeting will be held Wednesday, March 21, 2018, beginning at 10:00 a.m. at the Gronquist Building in Arlington, 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 Shaffer adjourned the meeting at 4:15 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Michael Weimar, Commissioner

By _____

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder _____