

Gilliam County Court
Regular Meeting
3/20/2019

Judge Farrar called the regular Gilliam County Court meeting to order at 11 a.m. at the Gronquist Building in Arlington, Oregon. Present were Judge Elizabeth Farrar, Commissioner Leslie Wetherell, Commissioner Sherrie Wilkins, Court Administrator Sandy McKay, Court Recorder Mary Dyer, and County Legal Counsel Ruben Cleaveland.

IN THE MATTER OF CHANGES TO THE AGENDA

Judge Farrar announced that the Court would not consider IT contractor options today; however, she will provide an update.

IN THE MATTER OF PUBLIC COMMENTS/CORRESPONDENCE

There were no public comments or correspondence.

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.**

- Approval of March 6 work session minutes
- Approval of March 6 regular meeting minutes
- Appointment of Tena Ferguson to the North Central Public Health District Board
- Approval of Condon Food Pantry request for release of budgeted funds (\$11,000)
- Approval of RES right-of-way application
- Approval of Justice Court sureties undertaking
- Approval of Assessor's CAFFA Grant Application and Resolution 2019-03
- Approval of Victims Advocate CAMI grant application
- Approval of Transportation Department's 5310 grant application
- Approval of Transportation Department's STF grant application

IN THE MATTER OF FRONTIER TELENET UPDATE

Judge Farrar reported that last week's meeting of the Frontier 911 Board of Directors was well attended, primarily due to concerns regarding the future of Frontier Telenet and the potential that the 911 Call Center may be moved to another location. Judge Farrar said that she presented the possibility of each county reclaiming its assets and leasing them back to 911, which would provide more stability if partnerships change in the future. However, she said before such decisions are made, the Frontier 911 Board must first determine how the 911 situation will be managed. The Frontier 911 Board has authorized a subcommittee to explore options.

Les Ruark of Rock Creek asked about the \$253,000 Frontier Telenet reportedly is in arrears. Judge Farrar said that according to a report prepared by Brenda Potter, Frontier Telenet is \$153,000 short of meeting its bills for the final quarter of 2018, even after considering \$200,000 loaned by Sherman and Wheeler Counties. The \$253,000 figure includes payback of \$100,000 loaned by Sherman County, due at the end of the fiscal year. She also commented that she's unclear about some of the figures and will be requesting clarification.

Ruark also asked about actual fees for telecom attorney Jim Deason, and Judge Farrar said the Court isn't aware of the costs. Ruark stated for the record that the Frontier Telenet Board seems unwilling to disclose the figures, which he feels should be part of the discussion at this point.

IN THE MATTER OF BATCH PLANT UPDATE

Judge Farrar told the Court that the Port of Arlington declined the County's offer to donate the concrete batch plant. After a brief discussion, the Court's consensus was to sell the plant as surplus equipment at the end of the current lease.

IN THE MATTER OF BALLOT MACHINE REPLACEMENT

The Court received three quotes from County Clerk Ellen Wagenaar for a new ballot machine needed to replace the current machine, which has outlived its usefulness. Election Systems and Software (ES&S) provided the best quote, along with a trade-in value for the current machine, also purchased from ES&S.

MOTION by Commissioner Wilkins, second by Commissioner Wetherell, to select the DS450 from ES&S Ballot Machines for a total purchase price of \$52,831.04 with annual warranties in the amount of \$4,305, to be taken from the SIP Discretionary Fund line item.

Sandy McKay clarified that in future years, warranty payments will be paid from the clerk's budget line item.

AMENDED MOTION: to select the DS450 from ES&S Ballot Machines for a total purchase price of \$52,831.04 and the annual warranties in the amount of \$4,305, initial purchase funds to be taken from the SIP Discretionary Fund line item, with the annual warranties coming out of the clerk's budget line item moving forward. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

IN THE MATTER OF PORT OF ARLINGTON REQUEST FOR RELEASE OF FUNDS

In summary, the Port of Arlington is asking to be reimbursed \$490 for the expense of printing additional copies of their Willow Creek Irrigation Economic Feasibility Study, which exceeds the \$17,000 previously allotted by the Court for Phase I of the project. Five disbursements have been provided by the Court thus far for Phase 1, for a total of \$16,997.57.

MOTION by Commissioner Wetherell, second by Commissioner Wilkins, to approve the release of funds requested in the amount of \$490 for printing in Phase 1 of the feasibility study. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

In response to a question by Sandy McKay, the Court confirmed that this constitutes the end of Phase 1, and any additional funds requested must be considered under a Phase 2 proposal from the Port of Arlington. McKay also reminded the Court that the Willow Creek Feasibility funding had been allotted out of the previous year's (FY2017-18) budget; which could cause problems, especially if the funding extended through this fiscal year and into the next. Nathan Hammer will be asked to provide clarification and the Court will decide during the budget process whether to continue to earmark funds.

IN THE MATTER OF ODOT NOXIOUS WEED CONTROL IGA UPDATE

In summary, ODOT contracts with various counties each year to conduct spraying on the state's roads and right-of-ways. This agreement is for services provided by the Gilliam County Weed Department to ODOT in the amount of \$50,000 per year.

Ruben Cleaveland said his initial recommendation was not to approve the agreement based on the content and tactics of ODOT. However, because Weed Control Officer Don Farrar has indicated he can work within confines of the agreement, Cleaveland has recommended approval of the document.

MOTION by Commissioner Wilkins, second by Commissioner Wetherell, to approve the ODOT Noxious Weed Control IGA. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

IN THE MATTER OF COUNTY LEGAL COUNSEL AND TELECOM ATTORNEY

Ruben Cleaveland told the Court that because the Court is in the process of restructuring, which presents more risk of conflict, he is resigning as County Legal Counsel. He said he will continue to work with the Court as it transitions to new counsel. Judge Farrar told the Court that proposals were received from Bryant Lovlien & Jarvis, based in Bend; and Speer Hoyt's Local Government Law Group of Eugene. She said she asked each firm if they are interested in serving as County General Counsel. Bryant Lovlien & Jarvis are interested, but Speer Hoyt indicated they are concerned they may not be able to meet the County's needs in that capacity.

Regarding the search for a telecom attorney, Judge Farrar noted that most telecom attorneys in the state are already working for the City of Condon, Columbia Basin or Inland Develop and are thus "conflicted out." However, Speer Hoyt has a telecom attorney on staff. She suggested the Court consider contracting with Bryant Lovlien & Jarvis for general county counsel and with Speer Hoyt for telecom counsel.

MOTION by Judge Farrar, second by Commissioner Wilkins, to accept the proposal from Bryant Lovlien & Jarvis of Bend for general counsel services pending an updated proposal and negotiation on travel.

At this point, Les Ruark pointed out that there are many law firms in the state that focus on municipal and county law, including firms in The Dalles and Pendleton. He suggested that the Court should consider “casting a greater circle” with an RFP process.

After further discussion, Judge Farrar withdrew the motion, and the Court reached a consensus to issue an RFP for county general counsel in April, with intent to select a firm the first regular meeting in May. The two interested firms will also be contacted and invited to submit an updated proposal. The Court also agreed that Judge Farrar should contact the Local Government Law Group regarding telecom legal services.

IN THE MATTER OF IT CONTRACTOR OPTIONS

Judge Farrar told the Court that bids for managed IT services aren’t yet ready for review. She also said the current contractor, North Central Education Service District (NCESD) has informed her that because so many systems are intertwined, the transition must be done carefully to avoid harming other counties. She said it may be necessary to keep NCESD on contract during the transition.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- Attended a meeting of the North Central Public Health District.
- Requested clarification about meeting law impacts on staff sending group emails to the entire Court. Ruben Cleaveland advised that it’s acceptable to provide information via email, but there can be no chatter that could be considered deliberation on the topic.
- Asked about the process used to determine interest in the newly formed road advisory committee, and said she has heard from people who were interested in serving on the committee but didn’t see the posting in the Times-Journal. She said it’s important to ensure that word gets out, including at least two or three postings in local businesses, banks and post office for example; at both ends of the county.

Commissioner Wilkins:

- Attended a Port of Arlington meeting last Tuesday, although she was unable to stay for the entire budget discussion.
- Had a discussion with Condon School District Chair Brian Johnson, which provided a greater understanding of how decisions are made regarding combining sports teams with other schools.
- Will attend a NORCOR meeting tomorrow in The Dalles,

- Met with Roadmaster Dewey Kennedy, which was primarily a fact-finding meeting on batch plant, industrial park, and road department activities.
- Received communication from Ardent Mills regarding the leaking roof and deterioration of concrete sidewalks. She plans to determine the expectations of the County Court, and that of Jeff Schott and why he was the first contact.

Judge Farrar:

- Had a conversation with Michelle Geer, Condon School District Superintendent/ Principal, regarding updates of the county's grant program, and advised her that the school should remain in the funding pool this year to ensure they are eligible to apply for a grant the second year. She also told Geer that the Court will revisit the issue to determine how the grant program should be modified after completion of the current grant cycle.
- Has had discussions with Waste Management regarding an ongoing situation with delays on railroad crossings on Cedar Springs Road. WM is making efforts to minimize back-ups, and reported that people continue to drive around the barriers. WatCo has suggested it might be in the county's interest to provide dividers to separate lanes to prevent people from going around barrier arms. Various solutions were discussed, including flaggers and an alternate road to be used primarily by employees. Commissioner Wilkins said the matter is on the agenda for the March 27 Citizen Advisory Committee meeting.

IN THE MATTER OF ANNOUNCEMENTS

Sandy McKay noted the following:

- April 3: First meeting -- Gilliam County Budget Committee, Courthouse, 8 a.m.
- April 3: Regular County Court meeting, Emergency Services Bldg., Condon, 1 p.m.
- April 4: Juvenile Services --Listening Session, Gronquist Building, Arlington, 6 p.m.
- April 10: Second meeting -- Gilliam County Budget Committee, Courthouse, 8 a.m.
- April 11: Third meeting -- Gilliam County Budget Committee (if needed), 8 a.m.
- April 17: SWCD tour, 1 p.m.; Regular County Court meeting, 3 p.m.
- April 24: Tri-County Court meeting, Moro, 10 a.m.
- To be determined: Juvenile Services Listening Session, Condon

Commissioner Wetherell left the meeting and was absent from all remaining proceedings.

IN THE MATTER OF PUBLIC HEARING: WEED CONTROL SPECIAL ASSESSMENT

At 1:05 p.m., Judge Farrar opened a public hearing on the matter of the Gilliam County Weed Control Special Assessment. The rate for the 2019-20 year has been proposed at .07 per acre. Hearings are conducted in accordance with ORS 569.175 - 569.620. The hearing is for the purpose of gathering evidence as to the need for; identifying who will benefit from, and to take public input on the special weed assessment.

Staff report: Weed Control Officer Don Farrar was present to answer questions and provide information if requested.

Public testimony: Les Ruark of Rock Creek complimented the weed department and weed control officer, noting that Gilliam County is fortunate to have districts and assessment.

Recess hearing: Judge Farrar recessed the Hearing, which will continue April 3, 1:05 p.m., at the Emergency Services Building in Condon.

IN THE MATTER OF WASTE MANAGEMENT QUARTERLY REPORT

Alan Anderson, WM Senior District Manager; and Leah Shannon, WM Environmental Manager, provided a quarterly report for full year and fourth quarter 2018, as follows:

Columbia Ridge

Volumes fourth quarter: 652,963, up 14.4% vs. fourth quarter 2017

Volumes full year: 2,611,596 tons, down 3.9% vs 2017

Host fees paid to Gilliam County fourth quarter: \$1,068,302

Host fees paid to Gilliam County full year: \$4,079,157

Anderson noted that the decline in volumes at CRL is primarily due to soil projects. He also commented that February was difficult due to severe weather.

Chemical Waste Management

Volume fourth quarter: 18,661 tons, down 44.8% vs. 2017

Volume 2018 full year: 85,208 tons, down 18.6% vs. 2017

Host fees paid to Gilliam County fourth quarter: \$22,021

Host fees paid to Gilliam County full year: \$100,546

- Anderson reported one accident at Columbia Ridge Landfill -- a tractor/trailer tip over with no injuries.
- Hiring continues at both sites.
- CRL construction projects included a flare and gas wells to be added later this year.
- Planning for a safety BBQ is underway.

- A new employee newsletter containing information for all employees has been well-received.

Anderson also gave an update on the pending Oregon “Cap & Trade” legislation. Stating that Waste Management is hopeful for an exemption to the proposed new restrictions on emissions for landfills.

In response to questions from Commissioner Wilkins, Anderson responded that issues with delays at train crossings are continuing but that they are hopeful the County can install lane dividers at crossings to improve safety and make WatCo personnel feel more comfortable breaking the train without drivers going around the warning arms; that he will pass on concerns over trucks speeding through Arlington to the trucking companies; and acknowledged that many of the trucks hauling waste to the site produce large amounts of smoke.

IN THE MATTER OF IN THE MATTER OF NEXT MEETING

The next regular meeting of the Gilliam County Court will be Wednesday, April 3. 1 p.m., at the Emergency Services Building in Condon.

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 1:25 p.m.

GILLIAM COUNTY COURT

By _____
Elizabeth Farrar, Judge

By _____
Leslie Wetherell, Commissioner

By _____
Sherrie Wilkins, Commissioner

Mary H. Dyer/Recorder _____