

10.3.18

Gilliam County Court  
Regular Meeting  
Oct. 3, 2018

Judge Shaffer called the regular meeting of the Gilliam County Court to order at 10 a.m. at the Gilliam County Courthouse in Condon, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar, Commissioner Leslie Wetherell; Court Administrator Sandy McKay; Legal Counsel Ruben Cleaveland and County Recorder Mary Dyer.

**IN THE MATTER OF ADDITIONS/REVISIONS TO AGENDA**

Judge Shaffer noted the following addition to the Agenda:

- Consider approval of Sheriff's Office vehicle purchase.

**IN THE MATTER OF PUBLIC COMMENTS**

There were no public comments.

**IN THE MATTER OF WEED OFFICER QUARTERLY REPORT**

Gilliam County Weed Officer Don Farrar provided a quarterly report, which included the following:

- Thirty-Mile and Hay Creek grants have been completed. A Ferry Canyon grant and survey have been completed. Spraying in Ferry Canyon has also been completed.
- Bare ground treatment was completed in April for County and State Roads. Farrar noted that the work is usually finished in March.
- All County roads and ODOT roads have been treated for summer annuals with spot treatments ongoing.
- Farrar attended a County weed meeting regarding funding.
- Farrar is working with BLM on fire rehab. The regular BLM contract is 90 percent complete for noxious weeds. Farrar is attempting to get funding for control of yellow star-thistle in Eightmile Canyon.
- BPA weed treatment has been completed for this year.
- Union Pacific Railroad is ongoing with 90 percent completed. Skeleton weed will probably continue to be a problem until the ground freezes.
- ONDA Weed control on Hay Creek is 70 percent complete. Knapweed is a problem in that area.

- Courthouse and park lawns have been treated for summer annuals. Spot treatment is ongoing.
- The Industrial Park has been treated for summer annuals. Spot treatment is ongoing.
- Several counties, including Grant and Gilliam, have been working together to control leafy spurge on the John Day River.
- Weeds on gravel stockpile sites have been controlled with treatment of summer annuals ongoing. County and State stockpiles are being hand-weeded.
- Work continues on skeleton weed in the north end of the County.
- Farrar met with the Oregon Department of Energy regarding site analysis at the wind farm. The County has requested adherence to a “clean in/clean out” policy and notification of any weeds in the area.
- Weed control has been completed at the Fairgrounds.
- Biocontrol has been moved within the County for skeleton weed, diffuse knapweed and toadflax. Farrar noted that biocontrol doesn’t kill skeleton weed but slows down seed production. He also commented that toadflax is a lower priority.
- Farrar is working with landowners for fire rehab and control of skeleton weed and yellow star-thistle.
- Farrar noted he was fighting fire for a few days.
- Farrar has been working with BLM regarding weed control in the Horn Butte area. Funding has been approved but not yet allocated.
- A Stop and Desist order has been issued for Perspective, a product that the County hasn’t used. Farrar believes something other than the chemical is responsible for the death of trees.

**IN THE MATTER OF REQUESTS FOR BUDGETED FUNDS**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve the release of budgeted funds for fiscal year 2018-19 as follows:

Pioneer Community Development Corporation: \$25,000

South Gilliam County Health District: \$50,000

Gilliam County Soil and Water Conservation District: \$150,000

Port of Arlington: \$1,341.25

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

**IN THE MATTER OF CONDON SCHOLARSHIP FOUNDATION REQUEST**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a \$1,000 donation to the Condon Scholarship Foundation for the organization’s annual

fundraising dinner and auction to take place on Oct. 20. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF ROAD USE AGREEMENT WITH MONTAGUE WIND POWER**

Roadmaster Dewey Kennedy told the Court that Cedar Springs Road might be added to the Road Use Agreement with Montague Wind Power, depending on which quarry the company decides to use. If so, an addendum will be provided.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a Road Use Agreement between Montague Wind Power Facility, LLC and Gilliam County for construction of a wind facility on roads listed in the agreement. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF ROAD USE AGREEMENT WITH LIGHTSPEED NETWORKS**

Dewey Kennedy told the Court that work on Rhea Road was a short project that has already been completed and didn't impact the road in any way. The area has been reseeded as requested by the landowner. Ruben Cleaveland advised that since the Agreement is being approved after the fact, Section 2 should include a permit number, and the updated document should then be forwarded to the CEO of LightSpeed for his initials.

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar to approve a Road Use Agreement between LightSpeed Networks Inc. and Gilliam County with change suggested by Legal Counsel. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF SELECTION OF DESIGN ENGINEERING SERVICES**

Commissioner Weimar told the Court that he met with Dewey Kennedy and Sandy McKay to select design engineering services for the Lonerock Bridge replacement project. Committee members scored the two proposals individually before the meeting, at which time they were reviewed and a decision was finalized. Commissioner Weimar said that although the proposals were both qualified and scores were very close, Anderson Perry was selected, primarily due to the company's support staff and its history and familiarity with the area.

Judge Shaffer and Commissioner Wetherell agreed with the recommendation. It was the Court's consensus to send Anderson Perry an Intent to Award and a price will be negotiated by the Roadmaster. Kennedy said cost is generally based on the value of the project.

**IN THE MATTER OF TRI-COUNTY COURT MEETING**

Judge Shaffer announced that Gilliam County will host the Tri-County Court meeting on Oct. 24, at 10 a.m. at the Emergency Services Building in Condon.

### **IN THE MATTER OF COUNTY VEHICLE REPLACEMENT**

Judge Shaffer asked the Court to consider replacement of the County's Chevrolet Equinox, which was purchased used in 2011 and currently has approximately 108,000 miles. He said he received an email from a private citizen with an offer to sell a used Equinox, but the Court agreed that purchasing from private citizens isn't the County's standard purchasing practice. Judge Shaffer said he prefers an all-wheel drive and noted that the Equinox has been troublesome because of vehicle noise. He also said he prefers to purchase locally and support local businesses whenever possible. Ruben Cleaveland advised that although it's necessary to attain three quotes, locality can be part of the Court's consideration when making a decision. Dewey Kennedy commented that buying locally has saved the Road Department a lot of money and time. The Court directed Judge Shaffer to go ahead and investigate possibilities.

### **IN THE MATTER OF EMERGENCY SERVICES REQUEST FOR FUNDING**

Emergency Services Coordinator Chris Fitzsimmons, Fire Services Coordinator Shannon Coppock and Roadmaster Dewey Kennedy were present to request funding for radios for Road Department vehicles used during firefighting activities. The lack of radios has become a safety concern for the Road Department due to an inability to communicate with firefighters. Kennedy said, "We're blind; we have zero communication with firefighters." Kennedy also said the Road Department will continue to use the current system which works well for many purposes but doesn't allow communication with firefighters. Fitzsimmons presented estimates from Motorola Solutions for equipment and from Day Wireless Systems for installation and antennas. She explained that radios would be placed in seven vehicles -- the bulldozer, four graders, water trucks and Kennedy's pickup. The equipment would be purchased through WSCA (Western States Contracting Alliance).

Ruben Cleaveland said he saw no problems with the purchase but will review to ensure contracting rules are followed.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the purchase of radios for the County Road Department to be used for firefighting activities, pending legal counsel's review of contract rules; funds to come from Economic Enhancement Fund-Emergency Services Communication Equipment line item based on quotes from Motorola, \$23,825.13 and installation by Day Wireless, \$3901.55. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF BURNS PARK PAVILION UPGRADES**

Maintenance Coordinator Darryl Houghtelling discussed potential upgrades of the pavilion at Burns Park. Also discussed was a report from Jeff Schott of Pillar Consulting

regarding proposed project management and design services associated with Burns Park improvements.

Houghtelling discussed recommendations provided by a committee formed a couple of years ago. He noted that Robinson Bros. Construction is currently on-site. Recent expenditures at the park include a handicap access ramp, upgrade to 50-amp wiring for all 17 spots and upgraded wireless communication. Houghtelling recommended installing a stainless steel sink and table for food preparation and a grill for outside the pavilion. He will manage the project. New lights inside and outside the pavilion will be postponed. Commissioner Wetherell thanked Houghtelling for his recommendation and said she thought Pillar Consulting's estimate was too high. Houghtelling outlined total estimated costs, including the ramp at about \$5,000. He doesn't have a bill for electrical work yet, but he estimates about \$10,000. His estimates also included grill, \$4,000; sink, \$3,000; and the workstation table, \$1,000; with associated electrical expenses inside the pavilion up to \$5,000. Additional expenses for the ramp, including a handrail, brings the estimated total to approximately \$30,000, and \$73,000 is currently available in the budget.

Judge Shaffer commented there are currently two sinks, but Houghtelling said he thought one sink would be adequate. Commissioner Wetherell asked how often the pavilion is used. Houghtelling said the pavilion had been reserved eight times this year thus far, although the facility is often used by small groups that don't make reservations. Judge Shaffer said he thinks many people aren't aware there is a fee for use of the buildings, and that reservations are required. Commissioner Wetherell asked if anybody is specifically requesting the improvements, and Houghtelling said he gets a lot of requests for a grill, and there have been issues with the workstation table. He said the pavilion is open and can't be closed, so there are birds and other issues. Judge Shaffer said the pavilion is in need of some paint, which could be addressed later. Commissioner Weimar asked about maintenance of the grill, and Houghtelling said the maintenance department will take care of that.

Sandy McKay noted that Robinson Bros. Construction is doing the trench work for installation of larger wire, at their own expense. The County will pay for the electrician and permit.

Commissioner Weimar said the estimates are reasonable and should be good improvements for the Park. Judge Shaffer expressed concern about investing money in an area that isn't monitored, but agreed there's no real way without a camp host. He said a volunteer camp host may be a possibility in the future.

Ruben Cleaveland reminded the Court that because the project is an improvement to real property owned by the County, there is a limit of \$50,000 under the contracting code. However, the project falls under that limit, so there should be no problem. He said it appears there is no need to go through a bidding process. It was the Court's consensus to proceed with the project as proposed by Darryl Houghtelling.

### **IN THE MATTER OF APPOINTMENTS TO BOARD OF PROPERTY TAX APPEALS**

**MOTION** by Commissioner Weimar, second by Judge Shaffer, to appoint the following to the Gilliam County Board of Property Tax Appeals (BOPTA):

Leslie Wetherell and Pat Shaw, Chairperson's Pool

Marta Mikkalo and Susan Anderson (alternate), Non-Office Holding Pool

Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Judge Shaffer thanked Commissioner Weimar for 12 years of service to the Board.

### **IN THE MATTER OF INTERGOVERNMENTAL AGREEMENTS**

The Court briefly discussed separate intergovernmental agreements with Morrow County and Sherman County in which the tax assessor of each county is able to provide services or assistance to BOPTA boards in the other two counties when needed.

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve Intergovernmental Agreements with Morrow County and Sherman County. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF APPROVAL OF SHERIFF'S OFFICE VEHICLE PURCHASE**

Judge Shaffer told the Court that last year's audit indicated the County was out of compliance for three purchases. The auditor said that two of the purchases, a Dodge Ram pickup and Chevy Tahoe, were purchased by the Sheriff's Office without following the proper procedure and weren't signed off by the Judge.

Regarding a vehicle purchase earlier this month, Judge Shaffer explained that Sheriff Bettencourt requested of the County Clerk to have a check drafted right away so he could pick up the vehicle out of sequence with Accounts Payable. Judge Shaffer explained that although the vehicle was already included in the budget, there is still a process to go through and that purchasing and contracting rules must be properly followed. Judge Shaffer said Sheriff Bettencourt asked to see the policy and was told that the County had adopted new Public Contracting Rules in 2016, and the purchase of the vehicle falls under the County's Intermediate Purchasing Category.

Judge Shaffer said he preferred not to sign and release funds without the Court's approval. However, he approved the purchase so Sheriff Bettencourt could pick up the vehicle as arranged. Although Sheriff Bettencourt provided a Request for a Manual Check, he didn't provide documentation to prove the vehicle was purchased through the cooperative State contract using proper purchasing procedures. Judge Shaffer said Sheriff Bettencourt is adamant that the purchase was approved of at budget time. Judge Shaffer said he will work to get the State Contract matter cleared up so written documentation can be attached to the Request for Manual Check.

Commissioner Weimar commented that the budget is one thing, but the actual activity must follow the County's rules. Ruben Cleaveland agreed with Commissioner Weimar's

comments and explained that the budget process is completely separate from the procurement process and it is necessary to follow the proper purchasing process. For ordinary goods and services purchases between \$10,000 and \$150,000 fall under the Intermediate process. There are a number of exceptions, however, including a state-qualified buying pool. He said it's acceptable for such purchases to be made through the pool, but Judge Shaffer is correct that the qualifying information should be attached to the Request to clarify the matter for the auditor.

Cleveland also advised that the Court is the Contract Review Board for the County, and it's the Court's prerogative to set policy regarding what departments can and can't do without Court approval. He said that typically, the Court would serve as an oversight over department heads, which is the Court's role and is set by policy. However, he said that upon review, he and Sandy McKay determined that a Resolution approved when the Court adopted the last set of contract rules falls short of setting forth concrete policy. He said it's up to the Court as the Contract Review Board if they want to clarify the resolution.

Judge Shaffer asked commissioners if they recalled a conversation regarding the establishment of spending levels and authority for different departments. The matter was discussed further, including comments that Road Department purchases would typically be much larger than other departments.

Judge Shaffer will work on a policy and bring it back to the Court for review and approval.

#### **IN THE MATTER OF SUPPORT FOR VIETNAM MEMORIAL**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to send a letter in support of construction of a Vietnam War Memorial on State Capitol grounds. The Court also recognized the service of Will Carey, former Legal Counsel for Gilliam County. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF COUNTY-OWNED PROPERTIES**

The Court reviewed ten Gilliam County Property Summary Reports for County owned properties. The reports included two properties in Condon and Arlington as well as several small properties in rural areas of the County, some of which are being farmed. It was noted that the potential tax value associated with the properties is insignificant. The discussion was informational only and no action was taken.

#### **IN THE MATTER OF APPROVAL OF AUG. 29 PUBLIC HEARING MINUTES**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the Aug. 29 Public Hearing minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF APPROVAL OF SEPT. 19 REGULAR MEETING MINUTES**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve the Sept. 19 Regular Meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF SEPTEMBER CLAIMS PENDING REVIEW**

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

**IN THE MATTER OF CORRESPONDENCE**

The Court acknowledged a letter from Grace Claughton thanking the Court for buying her lamb at this year’s Fair. She noted she won Champion Showman in her class.

**IN THE MATTER OF COUNTY GRANT PROGRAM DISCUSSION**

The Court revisited the topic of the County’s grant program, including goals and priorities, grant eligibility and program structure.

Judge Shaffer noted that grant funding pools currently offered by the County include the following:

Wind Energy SIPS

County Discretionary

Gain Share

County Recreational

Economic Enhancement Fund

Special Projects

General Fund

County Youth Activities

Earl Hardie Program (For senior programs)

Predator Control

OSU Extension

Economic Development Fund

Grant Matching Funds

Port of Arlington

Pioneer CDC

Housing/County Business Development Fund

Sources of funding were discussed and Judge Shaffer commented that SIP funds, which are another way of paying taxes, have allowed the Court to spread the money through the County.



Commissioner Weimar asked how program funding has fit into the Strategic Plan. He also commented that the Court is elected to determine how to spend the money, and that part of the money should be reserved for the future when SIP funds are no longer coming in.

Judge Shaffer said he thinks the Court has done a good job at reaching out to the needs of the people, and that many items on the Strategic Plan have been accomplished. Commissioner Weimar agreed that the Plan has been followed, although some priorities have changed. Judge Shaffer said the plan should be community driven and Commissioner Weimar responded that the community should be involved, but the Court's leadership takes it forward and ensures it happens.

Commissioner Weimar also questioned if the Court should have a Plan that it actively uses. He commented that Court hasn't always referred to the Plan, and that following an up-to-date Strategic Plan would make it easier to answer questions and determine the best uses of the money.

The Court agreed it's time to review the Strategic Plan, as the 2012 review was only a status update. It was the Court's consensus to review the current Strategic Plan and create a new version reflecting new plans and goals. Commissioner Weimar said that the five-year strategic plan should be reviewed and updated annually so that ultimately, a new plan is created each year. The Court agreed that the Plan should be used as a tool for guidance in the future.

The Court also agreed that the process should involve Economic Development Officer Peter Mitchell and will move forward with the Court's guidance. Commissioner Weimar said the process should be facilitated by someone under the Court's direction, and Rachel Weinstein offered to serve in that capacity.

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

Commissioner Wetherell:

- attended the AOC District Meeting. Discussions included AOC's current financial situation.
- noted she has received two different third-quarter reports for Waste Management. She said the reports, one submitted to the Court and one to the Citizens Advisory Committee, provide slightly different information.
- plans to attend the ribbon cutting ceremony for the new Flex Building in Arlington.
- noted errors in the minutes for the Sept. 26 Public Hearing, which will be clarified and corrected at the next Court meeting. She also commented that the process could have been more organized and information could have been clearer.

Commissioner Weimar:

- attended a CAPECO meeting in Pendleton. The main topic of conversation was the structure of the organization now that CAPECO is officially the Area Agency on Aging for this region. They are working on internal reorganization but there will be no change in board structure.
- attended a meeting on the Lower John Day Committee on Transportation. He thinks the group as a whole does a good job of looking out for our area.
- mentioned that due to new legislation, the Road Department must now submit annual reports on the condition of county roads.
- discussed a recent article in the East-Oregonian regarding the possibility of tolling certain roads to minimize congestion. He said certain people are concerned that the money will be diverted from transportation to something else, which the Constitution doesn't allow. An initiative is under development to ensure the money is used for improving the capacity of a particular freeway, or to move people off the freeway, such as via improved public transit.

Judge Shaffer:

- also attended the meeting of AOC District 3. He briefly discussed restructure of the organization. Discussions included a push for modernization of public health and building codes. He explained that a lot of cities and counties have been using inspectors from the private sector, which the Department of Justice now says is a violation of the law. He is unsure if there will be any issues with buildings that have already been inspected.
- attended a meeting of North Central ESD. He reported that the person who provides IT services is leaving. ESD is actively recruiting for a replacement.
- met with Herb Winters of SWCD, who indicated SWCD is willing to put together a pilot project for development of fire prevention. OSU Extension Service and other entities will be involved.
- attended a meeting regarding broadband coverage in the area. A major topic of discussion involved HB 4023, which involves a plan to deliver high-speed broadband for government entities, public safety, health care, economic development and other public services.
- met with NORCOR Board of Directors. Judge Shaffer noted the current lawsuit wasn't discussed. He reported that the Director, Brian Brandenburg, is leaving Oct. 31, but will still be an employee of NORCOR for a couple of months, working from a remote site. Judge Shaffer said he preferred that Brandenburg's services be contracted, but the Board's consensus was to retain him as an employee. He said it is proposed that the Sheriffs of the four counties will run the adult facility and county juvenile directors will run the juvenile facility, both on a revolving basis. One concern is that sheriffs are elected officials and oversight of the jail is part of their statutory duties, while juvenile directors are part of county government and

running the jail will take them away from their normal duties. The question is whether counties should be compensated. Judge Shaffer also said there is ongoing concern regarding the housing of ICE prisoners. Commissioner Weimar said the concern is justified and has created a lot of uncertainty for NORCOR. Judge Shaffer said he prefers NORCOR not to house ICE prisoners, but without the revenue, it would be difficult for the four Counties to pay for the facility at its current size.

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

The next regular meeting of the Gilliam County Court will be held on Wednesday, Oct. 17, 2018, beginning at 10:00 a.m. at the Emergency Services Building 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 Shaffer adjourned the meeting at 2:30 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_  
Steve Shaffer, Judge

By \_\_\_\_\_  
Michael Weimar, Commissioner

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

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