

11.07.2018

Gilliam County Court  
Regular Meeting  
Nov. 7, 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:

- Discuss Intergovernmental Agreement between Gilliam County and the City of Condon regarding Arlington to Condon fiber project.

**IN THE MATTER OF PUBLIC COMMENTS**

- Les Ruark of Rock Creek asked to make a brief statement for the record, as follows: "We've entered a new era of leadership here, and there is a certain sadness, and there's also a certain expectation. May we all decently cope with the former and move forward with the latter." Judge Shaffer agreed, saying, "Never look back, always look forward."
- Commissioner Weimar told the Court that Dave Wade feels that private roads used by school buses should be graded for free. Commissioner Weimar noted that the work has been done by the Road Department in the past and Judge Shaffer said that the request is worth discussing in the future.

**IN THE MATTER OF LIBRARY BOARD ANNUAL REPORT**

Cindy Osterlund, Chairman of the Gilliam County Library, presented an annual report and 2018 Oregon Public Library Statistic Report. Osterlund also reported that:

- travelers often stop in at the library. She said Gilliam County is fortunate to have two "gem" libraries."
- the Gilliam County Library participates in Dolly Parton's Imagination Library Foundation, which provides free books for children ages one to five years.
- A national library foundation is funding half of expenses for 24 rural counties to be part of the program for three years. The other half is funded through the annual book sale.
- Condon students frequently use the library.
- A grant has funded 300 new books for youth.

- The Library Board is coordinating the Missoula Children's Theatre production to be staged in Condon on March 8 and 9. Osterlund said the cost of the event is \$3,050 plus room and board for the actors. The event will be funded by City of Condon, as well as the Education Foundation, Condon Chamber of Commerce, and several other grants. Commissioner Wetherell asked if this is the first year Condon has hosted the Missoula Children's Theatre. Osterlund said it's the first time in several years, although Arlington and Fossil have hosted the event regularly.

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

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the Sheriff's Office Vehicle Purchase of a 2019 Police Interceptor at a cost of \$31,423.34. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF RESOLUTION NO. 2018-17**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve Resolution No. 2018-17 declaring a 2005 Chevrolet Silverado pickup as surplus equipment. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF OSU REQUEST FOR BUDGETED FUNDS**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a request for budgeted funds to Oregon State University Extension in the amount of \$26,191.25. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF TRADES COUNCIL CONCERNS**

Terry Casey, Eastern Oregon Business Agent for Operating Engineers Local 701 met with the Court to discuss concerns over hiring out of state workers by windfarm construction companies. He said one of his projects is visiting schools and meeting kids of high school age regarding jobs for kids who aren't going on to college. He said it's important to draw kids from local counties and keep the money locally, but wind and fiber projects are hiring workers from out of state. Although some of the money is spent while they are here, workers return home when the job is complete. He said the union offers educational programs that provide workers an opportunity to learn as they earn. Also present was Robert Camarillo, Executive Secretary of the Oregon State Construction and Trades Council, who explained that the organization represents over 25 local trade unions, between 25 to 30 training centers, and more than 40,000 men and women working in the industry. The organization is advocating that contractors utilize the local workforce. Camarillo encouraged the County to consider utilization requirements in future SIP agreements that help long-term, local employment and said IUOE is willing to partner in that effort.

Judge Shaffer asked about the closest training center. Casey and Camarillo indicated the closest centers are in Crook County, Redmond and Tri-Cities. Commissioner Weimar pointed out that the Tri-Cities center is out of state, and Casey indicated it may be one of the closest to Gilliam County.

Judge Shaffer says he has an interest in career education programs for grades 8-12, noting that he has had conversations with unions, including the electrician's union. He said it's time for the unions to get involved with programs for Career Technical Education. He also discussed the current problem with building codes and inspection and said private companies and contractors have indicated they are willing to work on the creation of programs for high school students, including curriculum development. He suggested that IUOE consider doing something similar. Casey said UIOE is currently working with Metro and Multnomah County on a similar program.

Commissioner Weimar discussed a previous lawsuit in which a wind company claimed the County was forcing employers to use local workers, which is against labor rules. He said the County pointed out it was attempting to encourage, not require, companies to hire local workers. He said that considering the current state of employment, it's ridiculous to force the employment of local workers because jobs won't get done. He also said "local" can have a broader meaning, and that we live in a global economy. Camarillo said that "local" can mean workers from all of Oregon.

Commissioner Weimar also discussed the problem of a growing number of regulations forced by the state and how the County is affected by those requirements.

### **IN THE MATTER OF JUVENILE SERVICES SEMI-ANNUAL REPORT**

In her semi-annual report, Juvenile Services Director Amy Nation told the Court that Directors from Gilliam, Sherman, Wasco and Hood River Counties continue to meet on a bi-monthly basis. The group has completed a review of NORCOR policies for a policy manual, which is under review. She said the next step is to ensure staff is trained and aware of policy changes.

Juvenile Directors have also met with sheriffs from the four counties, who will assume the role of NORCOR administrator. Nation said that Wasco County Juvenile Director Molly Rogers will be working part-time to oversee NORCOR manager Jeff Justeson and that Sherman County Sheriff Brad Lohrey will oversee Jail Commander Dan Lindhorst. Rogers and Lohrey will bring issues back to the group for discussion and decisions. Nation explained that the current budget will remain as is and all parties will work within that budget.

Nation also told the Court that the interim plan can be modified and changed at any time. NORCOR legal counsel is working on an agreement which will be in place until June 2019, at which time the agreement can be changed or made permanent, which will require changes in bylaws.

Nation also reported that she:

- met with staff at the Hood River Juvenile Department in September regarding their expunction process and other helpful information.
- Attends monthly meetings of the Multi-Disciplinary Team.
- Attends quarterly meetings of the Central Oregon Juvenile Justice Consortium.
- Attends meetings of LCAC (Local Community Advisory Council) and other early education meetings.
- Attended Fundamental Skills for Juvenile Workers training in Prineville in August.
- Attended Sequential Intercept Mapping training in Condon in September.
- Attended ICWA (Indian Child Welfare Act) training in The Dalles in October.
- Noted that the Juvenile Court currently has four dependency cases and two delinquency cases.

### **IN THE MATTER OF INTERGOVERNMENTAL AGREEMENT**

Legal Counsel Ruben Cleaveland told the Court that the Intergovernmental Agreement with City of Condon for sharing fiber project management services and costs was sent to City attorney Wyatt Baum and project manager Adam Haas, and both indicated no problems with the agreement. The City Council will consider approval at their meeting tonight. Since the second Court meeting of November has been canceled, Cleaveland suggested that the Court consider approval of the agreement pending the City's approval.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve an Intergovernmental Agreement between Gilliam County and the City of Condon for sharing Arlington to Condon fiber project management services and cost pending approval by the city of Condon. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried**

Commissioner Weimar noted the agreement includes a signature line for the City Administrator, not the mayor. Cleaveland said that could be changed later, if necessary.

### **IN THE MATTER OF VETERANS SERVICES QUARTERLY REPORT**

Veterans Services Director Bryan Hunt provided a quarterly report, noting that he:

- Conducted 24 in-office interviews and four out-of-office interviews in Gilliam County, with a total of \$1,073.46 recovered.
- Conducted 21 in-office interviews and three out-of-office interviews in Sherman County, with a total of \$288.30 recovered.
- Conducted 31 in-office interviews and three out-of-office interviews in Wheeler County, with a total of \$1,420.42 was recovered.
- Outreach included a GOBHI event attended by 25 people, a SIM meeting and VA pension training.

### **IN THE MATTER OF COURTROOM SOUND SYSTEM**

Judge Shaffer reported that a new sound system has been installed in the Courtroom. He said the system is controlled remotely, and that it provides fewer options for use of phones during meetings. Commissioner Weimar asked if the upgrade includes a loop system, which brings sound to hearing aids. Judge Shaffer said he wasn't sure.

#### **IN THE MATTER OF PLANS FOR UPCOMING HOLIDAYS**

The Court agreed to provide holiday hams to employees. The Court also agreed that like last year, the holiday party will be held following the Dec. 5 Court meeting.

#### **IN THE MATTER OF RIGHTS-OF-WAY APPLICATION**

Commissioner Weimar noted several errors in the application, which have since been corrected. He also confirmed that the Planning Director has approved the application.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the Application for Activities in Gilliam County Rights-of-Way with Windwave Communications as presented in the application, including maps. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried**

#### **IN THE MATTER OF ORDER NO. 2018-03**

The Court discussed tax-foreclosed property in Arlington. Cleaveland explained that the matter has gone through the required waiting period and Court Administrator Sandy McKay said the owner has waived any claims on the property. Commissioner Weimar said the City of Arlington would require that the County maintain the area, which provides good motivation to sell. It was noted that the property was reassessed from a value of \$30,650 down to \$9,540. The Court asked for Assessor Chet Wilkin's opinion after noticing that the application states the property is residential in one area of the application and commercial in another. Wilkins said the property is classified as commercial but could be rezoned as residential with an approved conditional use application. He also said the value is a rough estimate as there are no comparables. The Court agreed there would be future issues with the property due to the difficult topography, and decided on a low minimum bid that will allow the County to recoup unpaid property taxes.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve Order No. 2018-03 in the matter of an Order directing the Gilliam County Sheriff to conduct a sale of county property, with a minimum bid of \$5,000. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF SHUTLER INDUSTRIAL PARK LEASE AGREEMENT**

Ruben Cleaveland told the Court that he made no major changes in the Lease of Real Property for Shutler Station Industrial Park, although the liability was changed to match the Lease. In response to a question posed by Commissioner Wetherell, Cleaveland

explained that the Agenda must reasonably apprise people of the subject matter and that a Resolution when entering into a lease is basically a formality required by statute. Les Ruark commented that he has no problem with the Court's action in the matter, but asked if the Court should touch base with the Port's Executive Development Officer or the Port Commission as a matter of procedure. Ruark also commented that he first heard of this matter at the recent Tri-County Court meeting and asked that as a matter of process, if there should be more time allowed for public comment. Judge Shaffer discussed problems with timing when an entity is interested in the property. Ruben Cleaveland said such a process is necessary when an action is considered permanent, but there is a distinction regarding decisions involving short-term leases.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a Lease of Real Property at Shutler Station to Omega Morgan for 35 total acres in the amount of \$750 for the first acre and \$400 for every acre after that as presented in the map provided, commencing today. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;  
**Motion Carried**

**IN THE MATTER OF SHUTLER INDUSTRIAL PARK TRACK USAGE AGREEMENT**  
**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a Track Usage and Storage Agreement with Omega Morgan beginning this date, Nov. 7, utilizing Exhibit B for pricing structure, ending one year from today. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried**

**IN THE MATTER OF RESOLUTION NO. 2018-18**  
**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve Resolution No. 2018-18 authorizing a lease agreement between Gilliam County and Omega Morgan. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried**

**IN THE MATTER OF OCTOBER CLAIMS PENDING REVIEW**  
Motion by Commissioner Weimar, second by Commissioner Wetherell, to approve October claims pending review. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF OCTOBER 3 REGULAR MINUTES**  
**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve the October 3 regular Court meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF OCTOBER 17 REGULAR MEETING MINUTES**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the October 17 regular Court meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF PORT OF ARLINGTON REQUEST FOR BUDGETED FUNDS**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the release of budgeted funds to Port of Arlington on an invoice in the amount of \$2,601.50. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried**

**IN THE MATTER OF WILLOW CREEK PROJECT FUNDS**

Judge Shaffer asked Commissioner Weimar if he was serious or joking when he previously commented that the matter of funds owed to the County in connection with the failed Willow Creek Barge Dock/Rock Quarry project should be addressed by the next Court. Commissioner Weimar said he thinks the paperwork should be gathered and reviewed, and it will likely be next year before a decision is made.

Sandy McKay said he provided the Court with the original agreement along with all related minutes he could find, and that both Commissioners agreed they wanted to discuss the matter in a Court meeting. McKay said he couldn't find any indication that the IGA was dismissed, amended or replaced in any way, or that the Port was otherwise released from the obligation.

Commissioner Wetherell said she wants to hear from legal counsel regarding the Court's responsibility. Ruben Cleaveland said he looked at the IGA and stated that since he is legal counsel for both parties another attorney should be involved before he comments in any way, although the matter shouldn't be considered adversarial. He said the Port's Board of Directors already has some ideas about legal counsel, and he'll discuss the matter with them at the next meeting.

Commissioner Weimar said that either way it's the taxpayer's money, and it's a matter of gaining a better understanding of the issues.

Les Ruark suggested that a summit of the County Court and Port Commission should look at all the issues on the table, and consider the overall direction in terms of the role of the economic development officer. He said the current and upcoming Courts could meet in January to discuss the matter, and that it might be a good opportunity to provide a better understanding among all involved regarding the roles of the entities and their staffs.

Judge Shaffer agreed, although he thinks a discussion regarding the Economic Development officer should be separated from that regarding the IGA and the failure of the Willow Creek project.

The Court discussed the role of the Port of Arlington as the County's Economic Development Office and the need for clarification of what the roles of the entities and their staffs is.

### **IN THE MATTER OF CORRESPONDENCE**

Judge Shaffer reported that Gilliam County will be receiving an invoice from the Association of Oregon Counties for a one-time payment -- the County's portion of funds to repay money borrowed from the AOC County Roads Program.

### **IN THE MATTER OF COUNTY RECORDER CONTRACT TERMINATION**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to accept the notice of termination of contract from Mary Dyer of High Desert Writing Services.

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

The Court agreed the matter of replacing High Desert Writing Services will be decided by the new Court, including the possibility of doing the work in-house.

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

Commissioner Wetherell:

- Attended Oktoberfest at the new Flex Building in Arlington.
- Attended the dedication of the new Nazarene Church in Arlington.
- Attended Senator Wyden's Town Hall meeting at Arlington High School, commenting that she was impressed by questions presented by students.

Commissioner Weimar:

- Attended a recent CAPECO meeting, noting that Sherian Asher of Fossil was appointed to replace Mary Thayer on the Board of Directors.
- Asked if GOBHI is leasing the building in The Dalles. Judge Shaffer indicated he wasn't aware of GOBHI's arrangement, but Les Ruark said the organization has a suite of offices on the third floor. Ruark also commented that GOBHI is an important coordinated care organization on this side of the state.

Judge Shaffer:

- Attended the Oregon Connections Telecom Conference and served on a panel regarding digital inclusion and opportunities for frontier areas.
- Provided a brief overview of the Tri-County Court meeting held in Condon on Oct. 24.

### **IN THE MATTER OF FUNDING FOR NEW COURT MEMBERS TRAINING**

Commissioner Weimar suggested that this Court should ensure that funding is in place for the newly elected Court members to attend AOC County College and the upcoming AOC conference.



**MOTION** by Commissioner Weimar, second by Judge Shaffer to pay registration and expenses for two newly elected Court members to attend the AOC annual conference and AOC County College. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried**

#### **IN THE MATTER OF CONCRETE BATCH PLANT**

Judge Shaffer reported that he was notified by Dubber Zorza of Hood River Sand and Gravel of a problem with the hot water system at the concrete batch plant at Shutler Industrial Park. Zorza said they will bring a hot water heater of their own to use while they are operating the plant, but in the future, the Court should consider repair or replacement of the boiler.

#### **IN THE MATTER OF COUNTY GRANT PROGRAMS DISCUSSION**

The Court returned to an ongoing discussion regarding County grant programs, goals, and eligibility criteria and how it meshes with the Strategic Plan.

As an example of concerns facing program funds distribution, Judge Shaffer noted he received a call from an individual who is putting together care packages on behalf of the Arlington Methodist Church, and asked about a donation from the Court. He compared it, on a smaller scale, to a request by the Condon Young Life Group. He noted there are other issues that have created problems for the Special Projects Program, which should be addressed.

Commissioner Weimar asked about the request and Judge Shaffer said the packages would be sent to kids across the country. Commissioner Weimar said the program isn't local, and is out of bounds. Judge Shaffer agreed, but said it brings up the same issues with other Special Projects requests.

The Court continued to discuss how SIP funds have been distributed throughout the County in the past and the effect on local taxing districts when the SIP agreements begin to end in the next four to six years.

No decisions were made, but the Court agreed that discussions regarding criteria should continue with the new Court.

#### **IN THE MATTER OF CONCRETE PLANT SUBLEASE**

Court Administrator Sandy McKay reported that he just received an email regarding a sub-lease of the concrete batch plant to Hood River Sand and Gravel and Judge Shaffer presented the matter to the Court. Ruben Cleaveland noted that he is not acting as an attorney to either the lessee or sub-lessee, but said that certain language must be in place for the Court to approve the agreement, including recognition of the master lease with Thompson Bros. and a pledge to honor that lease. He said he provided the necessary language, and that the agreement is now "good to go." Commissioner

Weimar indicated he isn't ready to approve the agreement due to the short timeframe for approval as the Court didn't receive the document prior to the meeting.

Ruben Cleaveland said the Court could, for 30 days, waive the provision in the lease that requires Court approval for a sublease, subject to the Court's approval at Dec. 5 Court meeting.

Les Ruark suggested the Court could gather the paperwork, create a staff report and call a special meeting, possibly by phone, and still meet the proper procedure.

Cleaveland indicated that could be done.

Sandy McKay commented that a month-long delay probably wouldn't work for Hood River Sand and Gravel, which would slow the entire project, scheduled for four months. Commissioner Weimar said somebody does not understand how government works -- that the Court meets the first and third Wednesdays and that entities that want business to be done should provide the information in a timely matter. Judge Shaffer commented that the matter has been discussed, and indicated he's okay with waiving the provision in the contract so the project could begin, or holding a special meeting on Friday. He said the Court doesn't want the reputation that getting business is done with the County is difficult because the Court meets only twice monthly.

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to waive the County's acceptance clause of the lease for 30 days based upon receipt of a signed copy of the sublease between Thompson Bros. and Hood River Sand and Gravel, with acceptance to be addressed at the Dec. 5 Court meeting. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

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

The next regular meeting of the Gilliam County Court will be held on Wednesday, Dec. 5, 2018, beginning at 10:00 a.m. at the Gilliam County Courthouse 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 2:45 p.m.

### GILLIAM COUNTY COURT

By \_\_\_\_\_

Steve Shaffer, Judge

By \_\_\_\_\_

Michael Weimar, Commissioner

By \_\_\_\_\_

Leslie Wetherell, Commissioner

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