

12-19-2012

Judge Shaw opened the regular Gilliam County Court meeting at 10:00 a.m. on Wednesday, December 19, 2012 at the Gilliam County Courthouse-Condon, Oregon.

Commissioners Present: Judge Patricia Shaw, Commissioner Dennis Gronquist and Commissioner Michael Weimar. Absent: None.

Judge Elect Steve Shaffer was present

IN THE MATTER OF ADDITIONS/REVISIONS TO AGENDA

- Public records request procedure
- Audit report acknowledge/approval

IN THE MATTER OF PORT OF ARLINGTON QUARTERLY REPORT

Economic Development Officer Peter Mitchell reported the following:

- Two ribbon cuttings: Port of Arlington boat ramp and Insitu building. Thanked Court for support.
- Mesa Industrial Park water/sewer project moving forward. Sewer pipe in ground, stalled at Shane Drive waiting for additional rock, water lines will be installed presently.
- Mesa undergoing power study with combined utilities: Pacific Power and Bonneville Power Administration. Power is available through Blalock Canyon and Willow Creek substations. This could potentially provide Mesa with 250 MGWZ enough to facilitate a data center, steel plant, etc. This project could potentially partner with existing Slatt Substation to provide additional power/windpower.
- Judge Shaw asked what the Road Department has been doing up at Mesa. Mitchell said there was clean up/landscaping around Insitu, made roads wider, built berm at gun range. Noting at some point there will be a need for interior roads at Mesa.
- Completed food campus feasibility study which provided the potential for two businesses: one small/one large. Mitchell added it was a quality study with practical results.
- Island Park project proposals are due December 15, 2012. Port has received a section 10 permit for the slope erosion repair project. Project is slated for completion before March 2013.
- Condon Airbase asbestos removal project is near completion. Oregon Brownfields, EPA and Waste Management provided over \$250,000 in grants for abatement project. EPA funded removal of underground storage tanks and tests for potential fuel oil contamination. Contaminated soil were removed and disposed of at Chem Waste/Columbia Ridge Landfills. Expecting a "good" report from EPA. Property infrastructure in good shape with water, sewer, power and fiber optic cable availability.

- Arlington City Council approved the installation of an EV4 electric car charging station which should be completed April 2013. Charging station capable of 80% charge in 20 minutes. Noting Rufus is interested in a charging station as well.
- Arlington Marina gangway replacement, dock upgrades including water and power and the addition of a fuel dock are included in the Boating Infrastructure Grant application in the amount of \$385,000, and are being processed through the Corps of Engineers. 2013 timeline.
- Mitchell and Port Commissioners Dewey Kennedy, Tim Wetherell and Ron Wilson traveled to Washington D.C. and met with Senator Merkley, Representative Greg Walden to discuss/plea the Willow Creek project and 2009 earmarked funds for reimbursement.

Times Journal Mac Stinchfield asked Mitchell if there was any hope of the Willow Creek Barge project moving forward. Mitchell could not say for certain the project was dead, adding the permits for the project are expired and is unaware if the permits could be reinstated. Mitchell felt there is business for a barge facility, and would support proceeding with the project if applicable.

The Court thanked Mitchell for a job well done.

IN THE MATTER OF ECONOMIC STRATEGIC PLAN ADVISORY PLAN REVIEW

Strategic Plan Board members Mac Stinchfield, Linda Smith, Peter Mitchell and Leanne Durfey reported the following:

- Project review of business development and housing was originally in three tiers. *Recommended to the court removal of tiers.*
- Lead agency for economic development projects listed Jessica Bates, Economic Developer who no longer works for Gilliam County. *Recommended all lead agency projects with Bates be changed to Peter Mitchell.*
- Encouraged Court to earmark discretionary funds before grant award process. *Recommended grant awards align with strategic plan.*
- Noting review is a working document and this was the first review process. Discussion of existing committee member's future involvement in process. Noting this was the first review of the plan since inception.
- Importance of intertwining Port of Arlington and Gilliam County plans to coincide success. Noting Grain Lab plan is due for review.
- 2012 Addendum: Subsequent to the adoption of the Strategic Action Plan the following changes occurred: Noted the Port of Arlington has not adopted an Economic Development Strategic Plan- Leanne Durfey will edit addendum.

Mitchell added the Port of Arlington has been waiting for the feasibility study to complete their strategic plan.

MOTION: Commissioner Weimar moved to accept the changes to the Strategic Plan as recommended by the Strategic Plan Advisory Committee with the change to the 2012 addendum.

SECOND: Commissioner Gronquist.

Vote: 3-0
Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar
No: None
Abstained: None
Absent: None
Motion Passed.

IN THE MATTER OF JOSI CONTRIBUTION

Judge Shaw consulted AOC legal counsel about contributing County funds to support Tim Josi campaign fund for National Association of Counties-NACo Second Vice President position.

MOTION: Commissioner Gronquist moved to contribute \$500 to Tillamook County Commissioner Tim Josi' campaign fund for the position of Second Vice President of NACo.

SECOND: Commissioner Weimar.

Vote: 3-0
Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar
No: None
Abstained: None
Absent: None
Motion Passed.

IN THE MATTER OF CONDON TUTORING AGREEMENT

Judge Shaw reported the county has been paying for tutoring services for several years. Will Carey draft agreement stating Gilliam County will pay Condon School District directly and school will pay tutor for services.

MOTION: Commissioner Weimar moved to approve the Intergovernmental Agreement between Gilliam County and Condon School District for tutor services in the amount of \$8,000.

SECOND: Commissioner Gronquist.

Vote: 3-0
Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar
No: None
Abstained: None
Absent: None

Motion Passed.

IN THE MATTER OF PLANNING DEPT. STAFF REPORT

County Planner Susie Anderson reported on the following:

- Chemical Waste Management has submitted a request to amend the Hazardous Waste Permit to Oregon DEQ asking for cell development to run north/south instead of east/west which eliminates removal/relocation of existing water/power/roads. Surface water pond will need to be relocated.
- Nuisance Ordinance/Code Enforcement has been applied twice since October 3, 2012 approval.
- Amendment to Montague and Leaning Juniper II Wind energy projects. Montague seeks to obtain approval from EFSC to transfer site certification from Montague to Portland General Electric, extend construction start/completion deadline by two years, reduce blade tip clearance from 134' to 65'.
- Leaning Juniper II seeks approval from EFSC to transfer a portion of the site certificate/ownership for Leaning Juniper II to Portland General Electric.
- Updating Expand in Oregon website which provides information such as: overview/description of property, utilities, land terms and transportation information.
- DEQ Proposed rulemaking which includes landfills that receive/process solid waste to chemical, fuel or other useful products. Noting S-4 Energy Plant falls under this rulemaking.
- Planner position procedure notebook nearly complete.
- Provided Court with 2012 Land Use Applications/Planning Activities.

Commissioner Gronquist inquired about the Ingram and Davidson building projects outside Arlington. Anderson reported Davidson and Ingram are both in good standing with their projects.

IN THE MATTER OF AUDIT REPORT

Judge Shaw acknowledged the Audit report:

- Continue concerns with fixed asset which has been an ongoing problem. It was noted the auditors are tracking assets through court minutes, why can't Treasurer staff do the same. Perhaps with tax collection duties moved to Assessor's office, Treasurer office will have more time to track fixed assets.
- Communication problem has been corrected.

MOTION: Commissioner Gronquist moved to the audit report as presented.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None
Absent: None
Motion Passed.

IN THE MATTER OF RFP FOR AUDIT SERVICES

Judge Shaw queried the RFP process for a new Auditing service. Noting there were previous objections from staff due to software issues and new staff.

IN THE MATTER OF BUSINESS LOAN DEVELOPMENT PACKET

Judge Shaw brought a GEODC completed existing loan file to show the scale of paperwork involved in the process. There were assignments in the files returned from GEODC which needed to be recorded in the Clerk's office. Concerned current staff does not have training/expertise for this program. Discussion on which office should provide program services, noting staff will need training to provide a professional and precise procedure. Treasurer position is well-matched for work.

IN THE MATTER OF COORDINATED CARE ORGANIZATIONS

Judge Shaw reported the Coordinated Care Organization-CCO information stating counties need to appoint/provide at least five members to serve on a community advisory committee. There are member criteria such as mental health/chemical dependency professionals, healthcare providers and Oregon Health Plan consumers or parents of children who are covered by OHP.

Commissioner Gronquist will contact the Arlington Medical Center to gather North end representatives. Judge Shaw reported there were five applicants at this time.

IN THE MATTER OF LIBRARY PROJECT

Pillar Consultant Jeff Schott reported the following:

- Courthouse elevator project came in \$29,000 under projected budget.
- Library project moving forward: thanked City of Condon and Gilliam County Road Department for all of their work on the project.
- Library project is over budget by \$60,000. This was due to construction budget Schott and the Library Board budget miscommunication. Schott apologized for the oversight and stated underestimated cost opinion.
- It was noted there have been additions to the project including awnings, rear plaza development and a rear wall/exit. Schott feels items may be cut in the budget, but even with these cuts and the 15% contingency the project requires additional funding.
- Hazardous materials were discovered and removed after original budget/plan was done. Schott used contingency funds for this item.

Commissioner Gronquist is concerned about the additional costs of projects and is not pleased about the inaccuracies.

MOTION: Commissioner Gronquist moved to approve up to \$60,000 for the completion of the library project.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

Judge Elect Steve Shaffer left the Court meeting for the remainder of day.

IN THE MATTER OF CONSENT AGENDA

MOTION: Commissioner Gronquist moved to approve December 5, 2012 executive session meeting minutes.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

Legal Counsel Will Carey joined the court meeting.

IN THE MATTER OF BLALOCK MARKER CONTRIBUTION REVISION

Judge Shaw reported the Blalock Historic Marker contribution was returned stating the check could not be deposited as written. It was noted the entity is now requesting the contribution be sent to City of Arlington and the marker is being relocated to Arlington near the caboose.

Court asked for more information on the placement of the marker. Court decided to keep the contribution at this time.

IN THE MATTER OF PUBLIC RECORDS REQUEST

Legal Counsel Will Carey reported:

- Public Records request concerning timeline of reasonable time will be ten working days. Noting if the situation warrants additional time may be requested depending on circumstances.
- Personal employee information including attorney/client privileged information, social security numbers cannot be forfeited without direction from legal counsel.
- If legal counsel does not approve of release of information. Person making the request may then contact the District Attorney. District Attorney may order release of records; in the event the county still will not release information the person asking for records may take the request to Circuit Court. Noting if plaintiff is successful in Circuit Court, defendant would pay attorney fees.
- Custodian of record was discussed, noting the need for a person to act as custodian while working with elected official as needed to ensure procedure is continuous regardless of department.

It was noted the existing Public Records request would need to be repealed to adopt the updated policy.

MOTION: Commissioner Gronquist moved to repeal Resolution No. 2008-02.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

MOTION: Commissioner Gronquist moved to approve policy in regards to public records request as presented.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF EXECUTIVE SESSION 192.660 (2)(h)

Judge Shaw opened Executive Session ORS 192.660 (2)(h) to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. No decisions were made and separate minutes were taken and will be filed in the office of the County Clerk.

IN THE MATTER OF LOAN DISCUSSION

Michelle Colby was instructed to contact borrower and advise him to continue the \$150 monthly payments which will be credited towards the new promissory note and modified trust deed which will be prepared/signed upon his return.

Carey added the Court anticipates lowering the interest rate to 5% granting a ten year promissory note with \$150 monthly payments.

Carey thanked Judge Shaw for her diligent work during labor negotiations, and appreciated working with her.

IN THE MATTER OF RESOLUTION NO. 2012-13 SHERIFF SURPLUS EQUIPMENT

MOTION: Commissioner Weimar moved to approve Resolution 2012-13 declaring Gilliam County vehicles: 2002 Hyundai Accent and 2008 Ford Crown Victoria as surplus equipment.

SECOND: Commissioner Gronquist.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF COMMITTEE APPOINTMENTS

Gilliam County Committees notice is hereby given the Gilliam County Court is accepting names of individuals interested in serving on the following committees: Four vacancies on Gilliam County Cultural Coalition Board , two vacancies on Gilliam County Planning Commission and two vacancies on North Central Public Health District.

Judge Shaw reported there were three interested applicants for two vacancies on the Gilliam County Planning Commission: Linda Jo Smith, Earl Anderson and Michelle Colby.

MOTION: Commissioner Gronquist moved to appoint Michelle Colby and Linda Jo Smith to the Gilliam County Planning Commission effective January 1, 2013.

SECOND: Judge Shaw.

Commissioner Weimar was concerned with north and south committee participation. It was noted Arlington is represented by Marta Mikkalo and Steve Webb and Condon will be represented by Walter Powell and two new applicants.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar
No: None
Abstained: None
Absent: None
Motion Passed.

MOTION: Commissioner Gronquist moved to approve the reappointment of the following committee members:

Budget Committee: Gary Miller

Compensation Board: Gary Miller, Will Spears and Walter Powell

Cultural Coalition: Leslee Hammer, Jude Berray

Fair Board: Chris Fitzsimmons

Planning Commission: Steve Webb and Walter Powell

Special Transportation Fund Advisory Committee: Chuck Hickerson, Dave Klein and Steve Webb

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF COUNTY COURT MEMBER REPORTS

Commissioner Weimar and Judge Shaw attended the Tri-County Court meeting, noting majority of meeting was discussion on Early Learning Council hub merging with North Central ESD.

Judge Shaw reported the North central Public Health District separation from Wasco County is ongoing. Public Health is working on a base budget from federal, state, board of health and other grant funds which will be provided to counties. Wasco County is requesting all public health reserve dollars be expended before county contributions are decided. Further discussion on in kind services and equipment noting if counties cannot make their contribution some services may be unavailable.

Matter has been forwarded to a Portland attorney to draft Intergovernmental Agreement. Judge Shaw added the importance of Gilliam County Court representation at the meetings.

IN THE MATTER OF CORRESPONDENCE

Judge Shaw acknowledged an invitation from Oregon Air National Guard to attend an airspace expansion concept on January 28, 2013.

IN THE MATTER OF BUSINESS LOAN UPDATE
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IN THE MATTER OF BUSINESS LOAN POLICY/PROCEDURE
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IN THE MATTER OF NEXT MEETING

Public is invited to a reception from 10:00-10:30 on Wednesday, January 2, 2013 for a swearing in ceremony and welcome of newly elected Gilliam County Judge Steve Shaffer.

Next Court meeting is scheduled for Wednesday, January 2, 2013 at 10:30 a.m. and will be held in the Gilliam County Courthouse- Condon, Oregon.

It appearing to the Court there was no further business to be conducted at this time, and no additional matters to be considered, Judge Shaw adjourned the meeting at 2:52 p.m.

GILLIAM COUNTY COURT

By _____
Patricia Shaw, Judge

By _____
Dennis Gronquist, Commissioner

By _____
Michael Weimar, Commissioner

Marla Davies-Recorder