

12-5-2012

Judge Shaw opened the regular Gilliam County Court meeting at 10:00 a.m. on Wednesday, December 5, 2012 at the Gilliam County Courthouse-Condon, Oregon.

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

IN THE MATTER OF ADDITIONS/REVISIONS TO THE AGENDA

- Library proposals for concrete inspection
- Iberdrola wind farm pending purchase

IN THE MATTER OF PUBLIC HEARING

This being the time and place advertised Judge Shaw opened the public hearing to take oral and written testimony to consider redemption acceleration on tax foreclosed real properties within Gilliam County, City of Condon because of potential threat to public health safety and welfare as authorized by Gilliam County's Tax Foreclosed Property Redemption Acceleration Ordinance No. 92-2 adopted first day of April, 1992.

- (1) Located in Township 4 South, Range 21 East, Section 10BD, Tax Lot 6800, Account No. 283, Owner Barbara M. Hawk.
- (2) Located in Township 4 South, Range 21 East, Section 10DB, Tax Lot 8504, Account No. 3554, Owner Doris Cabral.

Judge Shaw read: The General Judgment was filed in the Circuit Court of the State of Oregon for the County of Gilliam on October 2, 1012. General Judgments No.12-0010CC. The two year redemption period will expire October 2, 2014.

The Gilliam County Court will consider testimony from all interested parties at this hearing as to whether waste or abandonment on the above stated tax foreclosed properties exist. In the event the County Court decides the above stated properties are subject to waste or abandonment under County Ordinance No. 92-2 the right title and interest of any person in the property shall be forfeited unless redeemed within a 30 day period after the Court's decision.

Hawk property input:

- Kevin Potter who lives at 126 North Lincoln reported the following concerns: decaying building, broken glass, foul rat odor. Request expedited action and the structure be removed.

- City of Condon Police Bill Gubser reported there has been no running water to residence since February 2007. Gubser spoke to Hawk in 2003 about cleaning the property up, and has issued Hawk citations for the garbage on the property- Hawk was found guilty. Hawk made no arrangements for weed/grass removal, and a neighbor finally mowed the yard.
- City of Condon Clerk Kathryn Greiner reported a neighbor paid for garbage services for Hawk. Noting Hawk was delinquent in water/sewer payments and the City had considered putting alien on the property. Those services have been paid in full.
- Judge Shaw read a letter received from Barbara Hawk for the record.
- Retired Treasurer Alcenia Wright reported Hawk has received notices and never contacted the county until now.
- Wright reported Legal Council Will Carey has reviewed Hawks' letter and advised the court the letter makes no difference in the court's action today. Carey advised Wright to contact Hawk by phone with results from today's hearing instruct Hawk the balance of back tax is due within 30 days of today's hearing, payments are not an option.

Deceased Cabral property input:

- Retired Treasurer Alcenia Wright reported there has been no interest from family, and Cabral's son has been receiving notices on property.
- Wright added there was a letter from Alcenia Walrath requesting accelerated foreclosure stating health and safety hazards which the court acknowledged on September 19, 2012 during the regular court meeting.
- Judge Shaw reported there were pictures of the property.
- Audience Steve Watson informed the court he was interested in purchasing the property. Watson stated he would like to move to Condon and is a carpenter/remodeler.
- Wright reported if the court agrees to the expedited foreclosure of the property, in 30 days of the court order the Tax Collector will issue a deed to Gilliam County. The property may then be sold at Sheriff's auction.
- Court administrator Leanne Durfey inquired who received notices on the property, since owner was deceased. Wright reported Cabral's son has been receiving notices.

- City of Condon Police Bill Gubser reported this property has been a problem for many years, even when Cabral was alive. Cabral has three children, and the son is the controller of the estate. Gubser reported there has been no interest from the family to upkeep the property. Gubser added the Oregon Youth Conservation Corps has cleaned up the property, and the City of Condon has mowed the property. At this time the city has not placed liens on the property.
- City of Condon Clerk Kathryn Greiner reported the property has been a continual nuisance even when Cabral was alive. Water/sewer service was discontinued and the property abandoned since Cabral's death. Greiner promotes Sheriff's sale of property upon foreclosure.

Judge Shaw stated for the record these two properties are subject to accelerated foreclosure process due to waste and abandonment, and are a health and safety issue.

It appearing to be no further public input or written testimony Judge Shaw closed the public hearing at 10:16 a.m.

Consensus instructing Wright to prepare court orders: one for each property listed above as advised by legal counsel. Action forthcoming.

It was noted the property will be deeded to the county 30 days after order is signed. The deeded property will then be put up for sale through Sheriff's auction and will be published in the local newspaper. Judge Shaw advised public if anyone would like to be contacted of auction leave contact information with Tax Collector's office. The information will be posted on the Gilliam County website.

If either legal landowner of above discussed properties comes in to pay back taxes stipulations include by Statute: Funds must be in cash and be received by a person with vested interest in the property (name on deed of property).

Commissioner Weimar brought up the other property the county owns from a previous accelerated foreclosure. Discussion on plan for property occurred, no decision made.

IN THE MATTER OF PIONEER CDC QUARTERLY REPORT

Pioneer Community Development Corporation Executive Director Kim Farrar reported the following:

- Farrar accepted the executive director position in September 2012. Tamara Fuller has been hired as the part time assistant and works 12 hours weekly.
- Community Development Block Grant 102 closes end on 2012. Funds have been spent and Farrar will submit expenditures to Tax Collectors office to be sent

to state for reimbursements. Grant total is \$400,000: project reimbursement \$330,552.85 and \$69,447.15 administrative/program management costs. This grant provided funds for 17 projects: 13 in Gilliam and five in Wheeler County. It was noted partnering with Wheeler County permitted additional funds for the program. Farrar will be applying for this grant early spring. Good input from project recipients.

- Rental Home Rehabilitation funding has had a little interest. The program allows up to \$15,000 at a 1% rate with a 48 month term beginning one year after project is completed. Farrar hopes additional advertising of the program will spark interest.
- Housing Opportunity Program-HOP provides suitable and innovative solutions providing loan qualifying and construction assistance to Gilliam County residents. These funds offer flexible local funds which may be repaid in 10-20 years with a limit of \$25,000. Funds may be used to add foundations which would allow property to be bank financed.

IN THE MATTER OF ECONOMIC ENHANCEMENT FUND

Judge Shaw reported Law Enforcement Fund Rationale for Distributions was changed to the following:

- 1.) Inmate medical costs.

This revision replaces previous language "increased transport costs to a regional jail".

It was noted Sheriff Bettencourt had asked the court to reconsider the Law Enforcement Fund distribution percentage reduction from 2.5% to 1%.

Commissioner Weimar added the 1.5% Law Enforcement reduction is going towards the Homestead Rebate Fund to sustain funding. Additionally if there are excess funds in the Homestead Rebate they will be moved to the Endowment Fund providing further sustainability.

MOTION: Commissioner Weimar moved to adopt Gilliam County's Economic Enhancement Fund Ordinance No. 2012-05 as presented with Law Enforcement Rationale revision.

SECOND: Commissioner Gronquist.

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

Motion Passed.

IN THE MATTER OF ARLINGTON LEASE AGREEMENT

MOTION: Commissioner Gronquist moved to approve the lease agreement to extend lease term between City of Arlington and Gilliam County for the Sheriff's office located in Arlington effective July 1, 2012-July 1, 2013 at a monthly rate of \$600.

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 LIBRARY SPECIAL INSPECTIONS

Court Administrator Leanne Durfey provided the court with three inspection estimates for the concrete being used at the library submitted by Pillar Consultant Jeff Schott: FEI Testing - \$10,814; Carlson Testing Incorporated- \$13,359.70 and PSI Testing-\$15,431.

Schott recommendation was to approve FEI proposal which was the lowest of the three. It was noted this inspection was in the original budget, and will not cost the county any additional funds. The bids need to be approved by County Court.

MOTION: Commissioner Weimar moved to FEI concrete testing proposal in the amount of \$10,814.

SECOND: Commissioner Gronquist.

Commissioner Gronquist asked Court Administrator Leanne Durfey to find out if this type of inspection is necessary, concerned with additional expenses of project. Are these items essential or superfluous.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF BUSINESS LOAN DEVELOPMENT PROCESS

Community Development Coordinator Michelle Colby reported the loan committee guidelines were suggested by legal counsel Will Carey. Carey had advised a county

court member be on the committee. Colby added this is a working document and does not feel comfortable reviewing/making recommendation to the court without additional committee involvement.

Discussion on the loan process and review committee qualifications commenced. It was noted county staff could organize and gather necessary documents and information to then be submitted to County Court members for review and approval. Consensus County Court shall be the loan committee.

Commissioner Weimar had procedure process including:

- What are economic/community development local objectives: Noted it could be strategic plan, funding rationale of funds.
- UCC Financial Statement: Uniform Commercial Code provides public notice of a security interest in specific collateral.
- Loan fund disbursement: requiring borrowers to show receipts to get loaned dollars. Concerned this creates hardship for potential borrower. Noting the last sentence could be removed and be determined by the court as applicable.

Loan servicing procedures has complicated language with regards to staff duties being between the Treasurer/Community Development offices. The timeline of the process is also confusing. Court advised Colby to discuss changes with Commissioner Weimar and continue working on document.

IN THE MATTER OF ACCELERATION ORDER NO. 2012-02

MOTION: Commissioner Gronquist moved to approve Order No. 2012-02 in the matter of the hearing to consider Redemption Acceleration of real property located Township 4 South, Range 21 East, Section 10BD, Tax Lot 6800, Account No. 283, Owner Barbara M. Hawk

SECOND: None.

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

IN THE MATTER OF ACCELERATION ORDER NO. 2012-03

MOTION: Commissioner Weimar moved to approve Order No. 2012-03 in the matter of the hearing to consider Redemption Acceleration of real property located Township 4 South, Range 21 East, Section 10DB, Tax Lot 3554, Account No. 283, Owner Doris Cabral.

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 EXECUTIVE SESSION ORS 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 CONSENT AGENDA

MOTION: Commissioner Weimar moved to approve the consent agenda including the November 29, 2012 regular court meeting minutes and November claims pending review.

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 IBERDROLA CONTACT

Judge Shaw reported Iberdrola informed her of the probable purchase of Leaning Juniper II which includes the incomplete Montague project by Portland General Electric-PGE.

It was noted the Montague project will begin construction September 2015 and be completed in September 2018.

IN THE MATTER OF COUNTY COURT REPORTS

Judge Shaw attended a meeting concerning the separation of North Central Public Health from Wasco County. There is another mediated meeting scheduled for December 17, 2012.

Judge Shaw and Commissioner Weimar attended the MCCOG meeting. It was noted the AAA-Area Agency on Aging, meal site report was inconclusive and services are being delivered adequately. A new director has been hired for AAA program. MCCOG

also sent out a survey to counties about providing computer tech services. Judge Shaw will complete the survey and return to MCCOG.

Judge Shaw acknowledged a draft report from the auditors recommending internal control awareness. Noting staff should receive training as applicable.

IN THE MATTER OF UPCOMING EVENTS

- December 11, 2012 volunteer/staff dinner at Memorial Hall
- December 12, 2012 Tri-County court meeting
- December 20, 2012 Pat's retirement party at the Elks: 5:00-7:00 p.m.
- January 2, 2013 new elected and appointed officials swearing in at 10:00 a.m. preceding regular court meeting.
- January 2, 2013 regular court meeting will begin at 10:30 a.m.

IN THE MATTER OF NEXT COURT MEETING

Next Court meeting is scheduled for Wednesday, December 20, 2012 at 10:00 a.m. and will be held in the Gilliam County Courthouse-Condon, Oregon.

Tri-County Court meeting is scheduled for December 12, 2012 at 10:00 a.m. and will be held at the Gilliam County Courthouse-Courtroom – Condon, OR.

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 12:05 p.m.

GILLIAM COUNTY COURT

By _____
Patricia Shaw, Judge

By _____
Dennis Gronquist, Commissioner

By _____
Michael Weimar, Commissioner

Marla Davies-Recorder

