

**4-3-2013**

Judge Shaffer opened the regular Gilliam County Court meeting at 10:05 a.m. at the Gilliam County Courthouse-Condon, Oregon.

Commissioners Present: Judge Steve Shaffer, Commissioner Dennis Gronquist and Commissioner Michael Weimar. Absent: None.

#### IN THE MATTER OF PUBLIC HEARING ON SUPPLEMENTAL BUDGET

This being the time and place advertised Judge Shaffer opened the Public Hearing on the proposed Supplemental Budget for fiscal year July 1, 2012 to June 30, 2013.

Treasurer Danelle Wetherell asked the court to review and approve the following changes to the supplemental budget.

Juvenile Department had a reduction of CASA funds in the amount of \$13,250 which will be placed into the General Fund. Noting this will add an additional CASA line item to the General Fund, this was necessary since the funds will no longer be coming through Commission on Children and Families.

#### County Sheriff

- Received an unexpected grant in the amount of \$5,225 which was used for Sheriff Equipment expenses. To appropriate and allow for expenditure on Grant not anticipated at budget time.
- Forfeited Money received \$10,676.50 which was used for expenses. Increase forfeited money revenue and adjust unexpected expenditures.
- Reduce Prisoner/Medical Transport by \$5,000 and move to Operations/Public Education. Reduce Prisoner Transport to accommodate for unexpected expense in Operations.

County Treasurer reduced Treasurer Salary by \$1,625 to pay for Contract Services. Reduce County Treasurer Salary and appropriate for Technical Support.

Fund: General Road transferring \$105,685 from Contingency fund to meet unexpected expenses including: vehicle, equipment, asphalt, road tax and worker's comp and other insurance costs.

Fund: Public Works transferring \$5,000 from Insurance to Worker's Comp to accommodate unexpected expenses.

Fund: Weed Control

- Received an additional BLM grant in the amount of \$190,500 which will be added to Grant Expenses. To accommodate for Grant Revenue and Expenses not anticipated at budget time.
- Reduced Vehicle Expense by \$563 to be added into Weed Equipment Replacement to meet unexpected increase.

Fund: Wheat Lab had an increased Beginning Fund Balance in the amount of \$1,500 to be moved into Lab Supplies to accommodate unexpected increase.

Fund: Special Transportation received an unanticipated Vehicle replacement Grant in the amount of \$34,183 which will go to Equipment Replacement.

Fund: Gilliam CC&F

- Remove CASA Revenue Transfer \$10,985 from General Fund and reduce Juvenile Services Expense to balance.
- Increase Beginning Fund Balance \$5,000 to Actual and increase FICA and Worker's Comp to accommodate for unexpected expenses.

Fund: CWM Host Fees increasing Beginning Fund Balance by \$12,000 to accommodate for increased Arlington 25% Payment.

Fund: Wind Energy SIP:

- Reduce Rainy Day Transfer in the amount of \$82,000 to accommodate for unforeseen Short Fall in Tax Revenue and appropriate additional funds to Local Improvements as approved by the Court. Noting Resolution No. 2012-12 which the Court approved a short term loan from Economic Enhancement Fund in the amount of \$896,969 was not necessary for the large project funding commitments, including the \$152,000 Columbia Hills Manor.
- Add line item for Gain Share Revenue in the amount of \$86,262 to appropriate Gain Share Expenses not anticipated at budget time.

Fund: Assessment and Taxation received Attorney General Notice of Default in the amount of \$1,140 which came through the County Clerk's office. Appropriate and allow for Revenue and Expenditure of Senate Bill 1552-Attorney General's Avoidance Mediation.

Fund: 911 Emergency Tax had a Beginning Fund Balance amount of \$40,000 to be moved to Operation-Contract Tri-County Communications operations. Increase Beginning Fund Balance to Actual and appropriate additional Expenditure to close Fund.

Commissioner Weimar questioned the Treasurer Salary appropriation for Contract services noting the provider was an employee before retirement. Important the contract was not signed while person was employee, noting IRS regulations requirements. Further concerns over incorrect Worker's Comp budgeting.

Wetherell replied the retired employee has created a Contracting LLC and has signed all appropriate contracts and falls within guidelines. Worker's Comp increase was not due to safety issues or claims.

Judge Shaffer inquired how the Sheriff Department was paying for the care of the seized horses. Sheriff staff Chris Fitzsimmons added the Prisoner/Medical Transport amount of \$5,000 was moved to Operations/Public Education for the horse care expenses.

There being no further input or public comment Judge Shaffer closed the Public Hearing at 10:23 a.m.

#### IN THE MATTER OF RESCINDING RESOLUTION NO 2012-12

Treasurer Danelle Wetherell reported Resolution No 2012-12 approving a short term loan from the Economic Enhancement Funds needed to be rescinded.

The Resolution authorized a short term loan from the County's Economic Enhancement Fund to the Wind Energy SIPS funds in the amount of \$896,969 to be repaid January 1, 2014.

The Resolution had been presented as though \$896,969 was necessary to replace a shortfall in 2012 property tax revenue. The loan would fund committed projects including: Gilliam County Rural Fire District, City of Condon and Arlington Infrastructure, City of Lonerock water tank and Columbia Hills Manor community center.

Wetherell added after reviewing the 2013 Supplemental Budget she is asking the Court to approve a transfer \$82,000 from the Rainy Day Fund which she will add to the Wind Energy SIP Fund to accommodate the shortfall.

**MOTION:** Commissioner Weimar moved to rescind Resolution No. 2012-12 authorizing a short term loan from the county's Economic Enhancement fund to the Wind Energy SIPS fund in the amount of \$896,969.

**SECOND:** Commissioner Gronquist.

**Vote:** 3-0

**Yes:** Judge Shaffer, Commissioner Gronquist and Commissioner Weimar

**No:** None

**Abstained:** None

**Absent:** None

Motion Passed.

#### IN THE MATTER OF RESOLUTION NO. 2013-06

MOTION: Commissioner Gronquist moved to accept Resolution No. 2013-06 adopting Supplemental Budget and making appropriations as presented.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaffer, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

#### IN THE MATTER OF EOCCO COUNCIL MEMBERS

Judge Shaffer opened the discussion on the CCO Advisory Board appointments which may include representatives of DHS, Sheriff and Public Health. Noting there are some CCO Advisory Committees who have dozens of members, unsure if necessary for our area. With the appointed members the Court anticipates they will be able to discover OHP/Medicaid patients for Advisory Committee members. Some funds will be available through the local CCO to assist with travel costs for the volunteers to attend meetings.

Arlington Medical Center is reportedly not involved with any Coordinated Care Organization which is a concern. Judge Shaffer will contact GOHBI-CEO Kevin Campbell and offer assistance in the process.

MOTION: Commissioner Gronquist moved to appoint the following individuals to the CCO Advisory Board:

- Gilliam County Sheriff Department-Sheriff Gary Bettencourt
- DHS- Local Supervisor Rebecca Humphrey
- Public Health- Director Teri Thalofer

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaffer, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

#### IN THE MATTER OF ASSESSMENT AND TAXATION

Assessor Dave Messenger reported Gilliam County is applying to the Department of Revenue to participate in the Assessment and Taxation grant. This grant provides funding assistance to counties who operate in compliance with ORS 308.232, 308.234.

Gilliam County submitted certified expenses in the amount of \$462,880 and has undertaken the self-assessment of its compliance with the rules and laws which govern Oregon property tax systems. Messenger estimates Gilliam County will receive \$90,000 and the grant deadline is May 1, 2013.

MOTION: Commissioner Gronquist moved to approve the Department of Revenue Resolution No. 2013-07 allowing Gilliam County to participate in the Assessment and Taxation grant process.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaffer, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

#### IN THE MATTER OF IBERDROLA RENEWABLES

Assessor Dave Messenger and Iberdrola Sara Parson joined the Court meeting. Legal Counsel Will Carey was available via phone.

Discussion on the process of establishing agreements for the potential sale of a portion of the previous all inclusive "Pebble Springs Wind Project" which includes Pebbles Springs, Leaning Juniper IIa/IIb and Montague wind projects. The original SIP agreement had language which provided for such modifications. The SIP agreement continues to allow the \$25 million real market value cap on tax revenue during the first fifteen years.

The potential sale of Leaning Juniper IIa/IIb and Montague to PGE is still pending, but the agreements before the Court will accommodate the process which is likely to be completed in October 2013.

Carey reviewed the following documents for the Court:

#### Pebble Springs Facility:

Amended and Restated Permitted Assignee Agreement had clean up language which made the agreement adaptable for the projects current status. The \$25 million agreement is still in effect with no changes.

### Montague Facility:

Amended and Restated Permitted Assignee Agreement had clean up language which made the agreement adaptable for the projects current status. The \$25 million agreement is still in effect with no changes, noting the facility is not even in construction phase at this time. This property will potentially be purchased by PGE.

Assignment and Assumption Agreement for the partial assignment of the Oregon Strategic Investment Program agreement must be approved by Court. This assignment states Gilliam County's approval to allow the sale to PGE.

Commissioner Gronquist asked if there were any financial changes to the agreement. Carey replied no financial changes, simply transferring financial interest from Iberdrola to PGE. If entities do not pay taxes Gilliam County may file a tax lien and take over project if necessary.

### Leaning Juniper IIa:

Permitted Assignee Agreement had clean up language which made the agreement adaptable for the projects current status.

### Leaning Juniper IIb:

Amended and Restated Permitted Assignee Agreement had clean up language which made the agreement adaptable for the projects current status. The \$25 million agreement is still in effect with no changes, noting the facility is not even in construction phase at this time. This property will potentially be purchased by PGE.

Assignment and Assumption Agreement for the partial assignment of the Oregon Strategic Investment Program agreement must be approved by Court. This assignment states Gilliam County's approval to allow the sale to PGE.

Carey added PGE provided answers which were adequate and all items of contract have been reviewed and discussed and the County's interest has not been changed. If the property does not become assigned to PGE, the old document stays in effect. The new assignment paperwork will be shredded.

MOTION: Commissioner Gronquist moved to accept the following items as presented:

- Leaning Juniper IIa: Permitted Assignee Agreement- 12 pages
- Leaning Juniper IIb: Permitted Assignee Agreement- 12 pages
- Leaning Juniper IIb: Assignment and Assumption Agreement for the Partial Assignment of the Oregon Strategic Investment Program Agreement- 4 pages
- Pebble Springs Facility: Amended and Restated Permitted Assignee Agreement- 10 pages.

- Montague Facility: Amended and Restated Permitted Assignee Agreement-10 pages.
- Montague: Assignment and Assumption Agreement for the Partial Assignment of the Oregon Strategic Investment Program Agreement- 4 pages.

SECOND: Commissioner Weimar.

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

Parson was provided two signed copies noting the partial assignments for PGE will be held till transaction is completed.

#### IN THE MATTER OF PUBLIC NOTICE

Judge Shaffer read the Public Notice stating Sherman, Gilliam, Wheeler and Wasco Counties were meeting Thursday April 4, 2013 at the Senior Center in Moro at 1:30. Topic of discussion will be the proposed Sherman County administration of the four county regions Early Learning Hub.

Judge Shaffer, Court Administrator Leanne Durfey and Commission on Children and Families Director Teddy Fennern are scheduled to attend meeting. There was noted concern about regionalizing with Wasco County.

#### IN THE MATTER OF PORT OF ARLINGTON QUARTERLY REPORT

Port of Arlington Economic Development Officer Peter Mitchell reported on the following:

- Thanked the Court for the continued support and noted the mission of the Port was to support the creation, retention, expansion and recruitment of businesses and jobs that will enhance the economy and quality of life in Gilliam County.
- Over the last three years the Port has leveraged \$867,710 of county funds into an additional \$1,536,432 of grants and loans. These funds were used for hard edge economic projects including: Condon Airbase asbestos removal; Insitu building.

- Arlington Mesa Industrial park power study confirms to potential large scale industrial users the availability up to 250 MW.
- Food Campus/Soft White Wheat feasibility study is complete and provides the potential for a bakery/cracker factory in Gilliam County. This project could be grant funded through USDA.
- Port of Arlington provided an annual revenue and expense: base revenue \$141,464/revenue operations-\$129,094=Total Annual Revenues: \$270,558. Base expenses-\$211,054/expenses operations-\$54,303=Total annual operating expenses: \$265,357. Net revenue/expenses: \$5,201.
- Willow Creek Barge Project has been on hold due to litigation with Army Corp of Engineers. The Congressional earmark has provided a funding mechanism to recover construction cost which occurred after the permit was issued by the Corps. The earmark funds will only cover about \$1.1 million, about half of the expense suffered. No definite timeline or acknowledgement the funds will be released to the Port, noting additional legal funds may be requested from the County.
- Market Rate Housing issues have been reported by Waste Management. Mitchell reported meeting with local staff about the issue, Court advised Mitchell to contact WM Paul Burns to see what WM is willing to put into the project. Additionally the Court would support a contractor interested in constructing dwellings, but would like the contractor to ask the Court directly.
- 2013-14 Projects include monitoring and expanding the existing facility, noting Cargill lease expires 2017, looking for new tenant. Enhancing local small business and startup enhanced support with hands on assistance which may have further funding with USDA grant availability.
- The Port plans to install a bathroom inside the hangar currently leased by DCR Trucking. Many improvements have been done including insulation and more efficient doors. Court members voiced concerns over the appearance of the DCR yard. Mitchell reported there is a fence screening requirement in the DCR lease, noting DCR must pay for the fence. Mitchell will contact DCR and tell them of the Court's concerns. Commissioner Gronquist asked about environmental issues at the site as well.
- Arlington Marina Boat ramp replacement is complete and has been recognized by the Oregon State Marine Board. Marina has had increased boat launching traffic since the ramps installation.



Judge Shaffer opened the discussion on the role of economic developer, and if perhaps a portion of the 21% Economic Enhancement Funds could be allocated directly to the Port. Mitchell added it would be beneficial for the Port to have the ability to leverage and borrow funds if a dedicated funding stream was created. It was noted it was a good idea.

#### IN THE MATTER OF CORRESPONDENCE

Judge Shaffer reported Gilliam County Wasteshed has received notification DEQ has approved the 2012 Opportunity to Recycle program.

#### IN THE MATTER OF ROADMASTER QUARTERLY REPORT

Roadmaster Dewey Kennedy reported the following:

- March 18<sup>th</sup> began spring grading of County roads about half way done.
- Completed Phase 1 of Base Line project, moving 58,000 cubic yards. Upon completion of grading planning to lay rock on the new road.
- Completed Upper Eight Mile road rebuild: widening shoulder, 12" base rock and three inches of gravel. Improvement should accommodate corn trucks traveling to Dairy.
- Completed annual Mine Safety and Health Administration eight hour training course on February 28, 2013. Noting Crusher crew and road and weed department employees attended training.
- Crusher finished up Potter pit and will be moving to Anderson ODOT quarry for cleanup left over material.
- Larry Hardie is in the process of setting up newer service truck which should provide a reliable vehicle.
- Kennedy reported he and Blake Laurence from Windwave toured alternative routes for their fiber optic services. Windwave will provide a planned route and will meet with Kennedy before their construction begins.
- Met with Blue Line representative Troy Tindal inspecting pavement from the past two years and chip sealed roads. All projects look great.
- Fairboard selected the Road Department as this year's Grand Marshals. Have made a list of Road Department employees back to around 1960, would like assistance noting he doesn't want to leave anyone out.

## IN THE MATTER OF ODOT EXCHANGE IGA

Roadmaster Dewey Kennedy had presented the Court with an Intergovernmental Agreement regarding equipment-Stacker Belt System exchange for County Crushed Aggregate. The equipment is valued at \$50,000 and the agreement provides 6,000 yards of crushed rock aggregate at \$8.33 per yard.

Commissioner Weimar asked if there was a need for the Stacker. Kennedy replied the equipment will benefit Gilliam and Sherman County's and will also generate rental revenue.

MOTION: Commissioner Gronquist moved to accept the Intergovernmental Agreement approving the exchange of ODOT Stacker Belt System for Gilliam County Crushed Aggregate.

SECOND: Commissioner Weimar.

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

Motion Passed.

Judge Shaffer asked Kennedy about the recycled concrete material used in the Baseline grade project, noting product cleanliness/safety concerns. Kennedy reported the steel rebar has been salvaged leaving trace amounts in concrete. Product is being hauled by WI, Inc. and landowner support project.

Judge Shaffer asked Kennedy if there was documentation stating the material was safe to use. Kennedy has appropriate documentation and will provide original to Court Administrator Leanne Durfey.

## IN THE MATTER OF ASSESSOR OFFICE

Assessor Dave Messenger informed the Court there was a vacant position in his office for the Appraiser position. There was discussion regarding the circumstances of the previous staff termination. Judge Shaffer noted he was impressed with Messenger's handling of the process.

Court approved Messengers request to post Appraiser position.

## IN THE MATTER OF COUNTY COURT MEMBERS REPORT

Commissioner Weimar attended the ACT meeting regarding the Biggs Project, noting the contractor has not been finalized for the two year project. There was discussion on

trouble traffic area in the region which is being reviewed by a case manager. Noting most problems were located in The Dalles and this matter will not be providing any revenue locally.

Judge Shaffer attended a MCCOG meeting as did Commissioner Weimar and the discussion was on the budget which did not make it through the budget committee. Senior Transportation Director Delene Durfey sits on the budget committee and reported there was apprehension over funding an Economic Officer position. Commissioner Weimar noted the Economic Officer is currently overseeing the electronic recycling project and future responsibilities for position could include the MCCOG Wind Power project, noting his grant writing ability.

MCCOG budget items include transportation which in Wasco and Hood River County's is a large portion. There have been cuts to Workforce Development staff which served all counties. Weimar added building codes are important for our area and even with decreased revenues our rates have remained the same.

Judge Shaffer attended the GEODC annual meeting noting there will probably not be a lot of business with them in the future.

Commissioner Weimar attended the CAPECO meeting- nothing to report.

Judge Shaffer will be attending a Juvenile Judge training next week.

#### IN THE MATTER OF CONSENT AGENDA

MOTION: Commissioner Gronquist moved to approve the consent agenda including the March 13, 2013 Public Hearing minutes, March 20, 2013 regular County Court minutes and March claims pending review.

SECOND: Commissioner Weimar.

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

#### IN THE MATTER OF NEXT MEETING

The next Gilliam County Court meeting will be held on Wednesday, April 17, 2013 at 10:00 and will be held at the Gilliam County Courthouse-Condon, Oregon.

First Gilliam County Budget Committee meeting will be held on Wednesday, May 15, 2013 and will be held at the Arlington Municipal Building in Arlington, 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 Shaffer adjourned the meeting at 1:39 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_

Steve Shaffer, Judge

By \_\_\_\_\_

Dennis Gronquist, Commissioner

By \_\_\_\_\_

Michael Weimar, Commissioner

*Marla Davies-Recorder*