

**01-20-16**

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:03 a.m. The meeting was held at the Gilliam County Courthouse in Condon, OR. Present were Judge Steve Shaffer, Commissioner Michael Weimar and Commissioner Dennis Gronquist. Absent: None.

#### IN THE MATTER OF PORT OF ARLINGTON GRAIN LAB PROPOSAL

Port of Arlington Board President Ron Wilson and Port of Arlington Manager/Economic Development Officer (EDO) Peter Mitchell presented the Port of Arlington's proposal for future operation of the Gilliam County Grain Quality Lab. Wilson stated the Port of Arlington would like to lease the Grain Lab. Wilson said the Port feels a sense of urgency in order to retain the Lab's current clients. He informed the Port has targeted 12 potential new customers. Wilson made the point that the Port has the energy to make the project successful. Utilizing the Lab would also tie in nicely with projects the Port is developing. Wilson stated the Port has funding in their current fiscal 2015-16 budget to absorb Lab Technician Jodie Gentry's salary. Commissioner Gronquist asked if the Port intends to use funds the County gave the Port for economic development to keep the Grain Lab operational. EDO Mitchell answered yes, the plan is to refocus some economic development line items for Lab operations. Mitchell said that Gentry's salary will be largely paid for by revenue generated by the Lab. Commissioner Gronquist asked if in fiscal 2016-17 the Port received less economic development money than they did this year, would the project still be financially viable. Mitchell said that he was confident it would be. Mitchell asked the Court to pay for the Lab's utilities and maintenance, to provide the building free of charge with the option of two one-year lease extensions. Mitchell said if Lab were to exceed projected revenue the Port would contribute to the cost of building operations. Mitchell said he has projects in development that would tie in nicely with the Lab's current testing. Judge Shaffer said he is in favor of the Port's project, but expressed concern that the County would continue to fund the Lab through the Port of Arlington. Judge Shaffer also said for the Lab to simply break even the Port would need to recruit a large number of new customers. Judge Shaffer expressed concern that marketing the Lab would be a full time job and that responsibility would fall on EDO Mitchell. In that scenario Mitchell would have significantly less time to pursue other economic development opportunities for Gilliam County. Mitchell said he understood Judge Shaffer's concerns, but the current customers in addition to the projects the Port has in development are exactly the kind of economic development the Port is working to cultivate. Commissioner Gronquist asked Mitchell what the Lab's current monthly revenue is. Mitchell said revenue is currently running \$4,200/month up from \$2,500/mo. Wilson informed Gentry is currently so busy she is nearly at capacity. Judge Shaffer said two of the Lab's three current customers are short term customers who are intending to transition testing in-house. Mitchell said that was true, but those businesses are not planning on leaving within the next six months. Judge Shaffer reiterated his two major

concerns, the County will continue funding the Grain Lab indirectly through the Port of Arlington and marketing the Lab will require too much of EDO Mitchell's time. Commissioner Gronquist said he was in favor of extending Lab operations to February 29<sup>th</sup> to give the Court more time to evaluate the Port's proposal. Commissioner Weimar said keeping detailed accounting records would increase his comfort level in pursuing the Port's proposal. Commissioner Weimar said before he could support the proposal he needed information on what projects the Port has in development that would generate new customers for the Lab. Commissioner Weimar agreed the first year of operations might require a lot of Mitchell's time, but eventually the Port could hire a Lab Manager to assume that role. Wilson asked if the Court voted to extend operations through February would operations remain status quo. Members of the Court assured Wilson that would be the case. There was a brief Court discussion of the needs of the Lab's current customers. Commissioner Gronquist asked to have the Port's proposal added to the February 3<sup>rd</sup> agenda.

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to rescind the December 16 motion to close the Gilliam County Grain Quality Lab January 31, 2016; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to close the Gilliam County Grain Quality Lab February 29, 2016; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF VETERANS SERVICE OFFICER SEMI-ANNUAL REPORT

Veterans Service Officer Bryan Hunt was present to give his Semi-Annual report. Hunt informed that new in 2016 he will present his reports to the Court quarterly. Hunt's report was for the second quarter of fiscal 2015-16, October through December 2015.

#### Gilliam County:

- Conducted 21 in-office US Department of Veterans Affairs interviews and 2 out-of-office interviews.
- Hunt did not file any new Oregon Department of Veterans Affairs (ODVA) in-home health care claims.
- Three new veteran's in-home health care claims were granted.
- There were no claims denied, reopened and no medical 1010EZ forms filed.

#### Gilliam, Sherman and Wheeler Counties:

- Conducted 58 in-house interviews and 6 out-of-office interviews.
- Hunt filed one new ODVA in-home care claim.
- Three new ODVA claims were granted.
- There were no claims denied.
- Two claims were reopened.

- Hunt filed one medical 10-10EZ form.

Hunt presented his Purchases/Costs for Outreach/Enhancement/Expansion for the second quarter. He attended a week long training in November 2015. Hunt revealed his current fiscal year budget increased \$17,000 over last year. He has spent \$23,221.38 and has \$38,778.62 remaining. Judge Shaffer asked Hunt if he planned to focus more of his efforts to veterans outreach. Hunt informed he is planning on hosting a breakfast for veterans. Judge Shaffer asked Hunt if he had reached out the Elks Lodge Veterans Committee. Hunt said he had not. Judge Shaffer informed the Elk's Veterans Committee is very active and it might be a good outreach source for reaching additional veterans.

#### IN THE MATTER OF APPOINTMENT TO THE CULTURAL COALITION BOARD

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to reappoint Jude Berray to Cultural Coalition Board for another three year term; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF EASTERN OREGON COORDINATED CARE ORGANIZATION

**Motion** by Commissioner Weimar, seconded by Commissioner Gronquist to reappoint Lisa Helms and Mike Takagi to the Gilliam County Community Advisory Council to the Eastern Oregon Coordinated Care Organization, a three year term; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF THE 2016 PRO TEM JUSTICE COURT JUDGES

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to appoint Ron McDermid (Sherman County Justice of the Peace), Robin Ordway (Wheeler County Justice of the Peace), Anne Spicer (Morrow County Justice of the Peace) and Leona Foster (Gilliam County Justice Court Clerk) as 2016 Pro Tem Justice Court Judges; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF CONDON SCHOOL DISTRICT REQUEST

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to approve the Condon School District request for budgeted funds in the amount of \$400,000; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF ENERGY FACILITY SITING COUNCIL

Judge Shaffer informed the Court is being asked by Gilliam County Planner Michelle Colby to approve an amendment to the Energy Facility Siting Council Intergovernmental Agreement No. 15-053, which was originally passed August 5, 2015.

**Motion** by Commissioner Weimar, seconded by Commissioner Gronquist to approve the amendment to the Energy Facility Siting Council Intergovernmental Agreement No. 15-053; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF RENEWABLE ENERGY LOBBYIST DAVID VAN'T HOF

Judge Shaffer informed the Mid-Columbia Economic Development District (MCEDD) has been working with the Columbia Gorge Bi-State Energy Zone on lobbying efforts to open the California border back for Renewable Energy Tax Credits from the Columbia Gorge Bi-State Energy Zone. MCEDD would like to hire energy lobbyist David Van't Hof for a second year.

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to approve the Mid-Columbia Economic Development District request for funding assistance for renewal of Intergovernmental Affairs and Communications Professional Services Agreement with Wind Energy Consultant David Van't Hof in the amount of \$10,000 to be paid out of Gilliam County Consulting line item; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF SHERIFF OFFICE MUTUAL AID AGREEMENT

Sheriff Bettencourt requested the Court approve a formal request for mutual aid agreement ORS 402.215 with Harney County. Bettencourt informed Gilliam County has been rotating one law enforcement officer to Harney County since the Malheur National Wildlife Refuge was first occupied by anti-government protesters. Harney County Sheriff Dave Ward is formerly requesting resources to assist Harney County during the occupation to help ensure the safety of their community. The Intrastate Mutual Assistance Compact provides a statutory framework for non-reimbursable voluntary mutual aid between one local government and another to provide resources and can be withdrawn at any time. ORS 402-240 states that Harney County will be required to defend and indemnify your employee in the event of a lawsuit, to the same extent it would be obligated to defend and indemnify its own employees. ORS 402-235 states that in the event one of Gilliam County's Sheriffs is injured, Gilliam County will be responsible for employee benefits, including workers compensation that would normally be available to the employee.

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to approve Mutual Aid Agreement OR 402.215 between Gilliam County and Harney County Intrastate Mutual Assistance Compact provides a statutory framework for non-reimbursable

voluntary mutual aid between one local government and another to provide resources and can be withdrawn at any time. Harney County will be required to defend and indemnify your employee in the event of a lawsuit, to the same extent it would be obligated to defend and indemnify its own employees. In the event one of Gilliam County Sheriff's Office employees are injured, Gilliam County will be responsible for employee benefits, including workers compensation that would normally be available to the employee; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF REQUEST TO PURCHASE INMATE WORK CREW VEHICLE

Sheriff Bettencourt asked the Court to approve the purchase of a used Sherman County Ford Econoline 350 V10 van to shuttle the NORCOR work crew. Sheriff Bettencourt informed the Gilliam County Sheriff's office currently owns two transportation vehicles. One is a 1994 Ford bus with 138,000 miles. The second vehicle is a 2007 Chevrolet van with 163,000 miles. The maintenance costs on both vehicles has gotten to be prohibitively expensive. The Sherman County van has 109,000 miles and was recently sold at auction for \$5,003. The sale fell through and his office was offered the van for the auction price. The Sheriff's office recently had the Chevy van serviced and said it is sound mechanically. Bettencourt said the plan is to keep the Chevy on site at Waste Management to extend its longevity. Bettencourt said he has found the \$5,003 in his Work Force budget he could repurpose to buy the van. The process would require the passage of a supplemental 2015-16 budget.

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to approve the vehicle purchase of the 2001 Ford Econoline 350 V10 Van from Sherman County in the amount of \$5,003; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF AUDITOR'S REPORT/2015 ANNUAL FINANCIAL STATEMENT

There was a brief Court discussion of having the County auditor's present their next annual report in person since it had been a number of years since they had done so.

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to accept the Auditor's Report and Financial Statements for the year ending June 30, 2015; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF AMENDING GILLIAM COUNTY PUBLIC CONTRACTING RULES

Judge Shaffer presented Resolution No. 2016-01 from legal counsel Will Carey to amend Gilliam County Public Contracting Rules by changing \$5,000 to \$10,000 as the amount Gilliam County may award a small procurement by direct selection or award without any competitive or solicitation process, subject to the procurement policies.

**Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to approve Resolution No. 2016-01 a joint resolution between the County Court of Gilliam County, Oregon and the Local Public Contract Review Board amending Public Contracting Rules 2010 as adopted by Resolutions No. 2005-02 and 2011-11 concerning 137-047-0265, Small Procurements and 137-047-0270, Intermediate Procurements, in conformance with legislative amendments to the Oregon Public Contracting Code; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF WASTE MANAGEMENT HOST FEE AGREEMENTS RENEWAL

Commissioner Gronquist informed he and Gilliam County Court Administrator Leanne Durfey have not met with Waste Management since December so there is nothing new to report. Commissioner Gronquist said he is expecting another meeting to be scheduled in the near future.

**Motion** by Commissioner Gronquist, seconded by Judge Shaffer to extend the Host Fee negotiations with Waste Management through the month of February 2016. Discussion: Judge Shaffer expressed concern about a future reduction in solid waste volume that will be coming to Gilliam County and the financial impact that will have on County revenue. Commissioner Gronquist said that a reduction in solid waste has been a long stated policy trend and will be inevitable. Commissioner Weimar expressed some doubt about that. Vote: Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF JUVENILE DIRECTOR STAFF REPORT

Gilliam County Juvenile Director Vicki Winters was present to give her semi-annual staff report. Winters reported that data shows there has been a change in beliefs and practices in the juvenile justice system. This has produced a steady decline in both Department of Human Services (DHS) Child Welfare cases and in delinquency (youths ages 12 to 18 committing crimes). DHS has been working diligently with community partners to keep families together. The focus on prevention and community based intervention have been key in significantly lowering juvenile cases in Gilliam County. This trend is also state wide. Winters said that toward collaborative networking in Gilliam County her office works closely with Family Services, school districts, law enforcement, Community Counseling Solutions and DHS. Juvenile and Family Services have worked together to create teams to help families with a variety of needs that they call, WrapAround Teams (WAT). The WAT teams respond to what families themselves think they need and allow them to be the driving force in creating successful outcomes. Coordinating and maintaining WAT teams is as rigorous as if a case had been open, but the idea is to keep families moving forward and out of the courtroom.

Winters informed there have been major personnel and supervisory position changes in Gilliam, Sherman and Wheeler Counties. Unfortunately these have had a negative effect

on the continuity of juvenile and family services. The three counties continue to hold quarterly meetings with DHS supervisors from District 9 and the DHS office in Condon to keep communications open.

Winters informed she received grant money last summer for the Summer Youth Experience and the Oregon Youth Conservation Corp. (OYCC), as she has for several years now. The program had a positive influence on higher risk youth by keeping them busy and giving them transferable job skills and experience. For most of them this would be their first experience in an employment environment.

Winters said she could not say enough about her working relationship with Community Counseling Solutions. They have made themselves available 24 hours a day to provide mental health counselors that have many times been the difference between conflict resolution and a crisis situation.

Winters informed she will again this year be the chair for the Eastern Oregon Coordinated Care Organization – Gilliam County Community Advisory Committee.

Winters said she regularly attends the monthly Gilliam County Multi-Disciplinary Team (MDT) meetings, Central Eastern Oregon Juvenile Justice Consortium meetings, NORCOR Juvenile Director Oversight meeting and when possible NORCOR Board meetings.

Winters attended the Oregon Juvenile Department Directors Association Conference last September.

#### IN THE MATTER OF RUTE FOUNDATION SYSTEMS TURBINE PROJECT UPDATE

Judge Shaffer gave a Gorge Training Facility (GTF) update. Judge Shaffer informed Columbia Basin Electric Co-op (CBEC) has received approval from the Bonneville Power Administration (BPA) to proceed with pursuing a Power Purchase Agreement (PPA) for power generated by the Gorge Training Facility (GTF) Turbine. Judge Shaffer had a conversation with CBEC General Manager Tommy Wolff and learned that the CBEC Board will be meeting to discuss whether they are interested in pursuing negotiations for a PPA with the GTF. Judge Shaffer had conversations with Representative Smith and with the Mid-Columbia Economic Development District (MCEDD) regarding the Economic Development Administration (EDA) grant for the GTF. The two things that need to happen before the County will be ready to apply for the EDA grant are a signed PPA and a business plan for the foundation manufacturing plant. RUTE Foundation Systems, Inc. is currently working on a plan with Gregory Smith, LLC.

#### IN THE MATTER OF WI INC. CONCRETE CREDIT SETTLEMENT

Judge Shaffer informed he had a phone conversation with WI Inc. CEO Jack Ingram regarding the concrete credit WI owes Gilliam County. Ingram was not happy that he is being required to sell the equipment himself and that the County is looking to impose a deadline for payment. There was a general Court discussion that the true value of the equipment won't be known until it's sold. The WI Inc. settlement for the concrete credit settlement will be on the February 3, 2016 Court agenda. Commissioner Gronquist said he thought it was important that the concrete credit is settled before discussing a short term lease for use of the batch plant. With respect to leasing out the batch plant, Judge Shaffer said he thought the Court should consult with legal counsel on the need to put out a Request for Proposal (RFP). There was a general Court discussion it was decided to check with legal counsel on the need for a RFP.

#### IN THE MATTER OF CORRESPONDENCE

Judge Shaffer informed the Court received a thank you note from Rene and Gerry Durfey thanking the Court their generous gift of the holiday ham.

#### IN THE MATTER OF COURT MEMBER REPORTS

Judge Shaffer said that Senator Wyden had conducted a Town Hall at the Condon Chamber of Commerce. Some of the topics brought up by citizens was the need for high speed fiber optic broadband in Gilliam County and gun control. The meeting was followed by a social event at the Hotel Condon.

#### IN THE MATTER OF THE CONSENT AGENDA

Judge Shaffer informed there was one correction to be made to the December 2 meeting minutes to clarify that it was Eastern Oregon Regional Solutions.

**Motion** by Commissioner Weimar, seconded by Commissioner Gronquist to approve the December 2, 2015 and the December 16, 2015 Executive Session meeting minutes; the December 16, 2015 and the January 6, 2016 Regular Session meeting minutes and the December 30, 2015 Special Session meeting minutes; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

#### IN THE MATTER OF ACCIDENT INSURANCE FOR GILLIAM COUNTY VOLUNTEER DRIVERS

Judge Shaffer informed that Transportation Director Marla Davies feels strongly that her Transportation Department Volunteer drivers have accident insurance. Judge Shaffer said the Court will need to make a determination about which County volunteers will be



provided coverage. Would the County cover Meal Site Volunteers for instance? Commissioner Gronquist thought it might be helpful to know how neighboring counties handle the issue. Commissioner Weimar asked what the County's liability would be if a County volunteer was injured. Judge Shaffer asked Court Administrator Leanne Durfey to research what neighboring counties policies are and put the matter on the next court agenda.

#### IN THE MATTER OF HUMAN RESOURCES/RISK MANAGEMENT COORDINATOR POSITION

Judge Shaffer informed the County has \$46,000 in the current fiscal budget for a new Human Resources (HR)/ Risk Management Coordinator. He presented a finalized job description for the position. Judge Shaffer asked the Commissioners for input on what they thought the salary range should be. Commissioner Gronquist asked if the position needed to be posted within the Courthouse before the County could publicly advertise the position. Judge Shaffer said this would be a non-union position so he didn't think that would be necessary. Commissioner Gronquist said the way to know if \$46,000 would be adequate, would be to advertise the position and see what response they get. Judge Shaffer said he would like to start with a salary of \$55,000. Commissioner Gronquist said that when the time to conduct applicant interviews it might be beneficial to have one or two neighboring HR managers participate in the process. Court Members agreed it would be helpful to have a person with expertise participate in the interview process. Judge Shaffer said he thought Morrow County HR Director Karen Wolff would be a good person to ask. Judge Shaffer suggested Court Members have a work session with an expert in the field to review applications ahead of interviews. The Court decided to advertise the position in the County website, the Times-Journal, the Heppner Gazette, The Dalles Reminder and the East Oregonian with a salary range of \$50,000-\$55,000.

#### IN THE MATTER OF THE GRAIN QUALITY LAB

Judge Shaffer informed the Trace Analytics tour of the Grain Quality Lab had been postponed. Judge Shaffer asked Community Development Director Rachel Weinstein to provide details. Weinstein explained that when she saw the Port of Arlington's proposal was on the January 20<sup>th</sup> agenda she forwarded that information on to Trace Analytics. Trace Analytics decided that it might be premature for a tour, but have agreed to reschedule the visit. Commissioner Gronquist said he could understand that the Port's proposal would make a visit premature. Judge Shaffer said he had never been in favor of siting Trace Analytics at the Grain Lab, but would be interested in having them visit Gilliam County. Judge Shaffer stated that he never wanted to have a marijuana discussion with the Economic Development Administration (EDA). Commissioner Weimar said another consideration would be timing on how soon they would need a Lab. Building them a building would take a considerable amount of time. Commissioner Gronquist suggest

having Weinstein continue dialogue with Trace and try and find out if they would be interested in having the County build them a lab. Commissioner Gronquist said before the Court can consider a Trace Analytics proposal they would need to make a decision on the Port of Arlington's proposal.

## IN THE MATTER OF COURT MEMBER REPORTS

Judge Shaffer informed he met with Representative Smith regarding possible funding for the County's fiber project during the upcoming legislative short session. Representative Smith said the short session is not designed to work on capital improvement projects, but if other capital improvement projects get discussed he will certainly lobby for the Gilliam County fiber project.

Judge Shaffer informed the Oregon Clean Electricity Plan is to phase out using coal by wire facilities by 2030 and replace those with renewable energy sources. The requirement for investor owned utilities will be 50% of their power must come from renewable sources. Renewable Energy Tax Credits will transition down to five years. PacifiCorp has already announced that they will be getting their wind energy from Wyoming and solar from Utah. Judge Shaffer stated he thinks these new policies do not incentivize investment locally and could in effect create an energy monopoly. He pledged to fight the Plan aggressively.

Judge Shaffer said there had been a lot of discussion since the last Court meeting regarding fiber. He said he has asked Myers to attend the February 3<sup>rd</sup> Court meeting to give a history of Frontier Telenet and discuss how important it will be going to lay fiber through Gilliam County.

Judge Shaffer informed he met with Community Counseling Solutions and learned that some of the funds the Juvenile Department has used in the past to fund the in-school counsellor will no longer be available. The County was hoping to continue using Justice Reinvestment dollars to fund the position, but will now have to look elsewhere.

Judge Shaffer informed that the Tri-County Court will be meeting in Sherman County on January 27, 2016. Commissioner Weimar informed he would not be able to attend.

Judge Shaffer shared that January 22<sup>nd</sup> Representative Walden will be conducting a Town Hall in Arlington from 11:00 am to noon.

Commissioner Weimar informed he attended an Association of Oregon Counties (AOC) Community and Economic Development Committee (CAEDC) meeting. One of the topics of discussion was AOC's Strategic Investment Program and how to graduate out the financial discrepancies between urban and rural counties. The CAEDC has created a task force called Policy Protections for Tenants (PPT) in an effort to protect them against evictions as real estate values sky rocket in Portland and the Metro region. Commissioner Weimar said he felt the direction the PPT going is too heavily weighted in favor of tenant's rights and is oppressive to landlords. Commissioner Weimar said affordable housing was

also discussed and the task is exploring imposing tenant rent controls. Here again, Commissioner Weimar said he felt what was being proposed weighted too heavily against landlords. Commissioner Weimar informed he also attended a Transportation Steering Committee meeting. The Committee is not expecting any action on the Transportation Plan in the upcoming short legislative session.

IN THE MATTER OF THE NEXT COURT MEETING

The next Gilliam County Court meeting will be held on February 3, 2016 beginning at 10:00 a.m., at Gilliam County Courthouse in Condon.

It appearing to the Court there was no further business to be conducted at this time and not additional matters to be considered Judge Shaffer adjourned the meeting at 1:53 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_

Steve Shaffer, Judge

By \_\_\_\_\_

Dennis Gronquist, Commissioner

By \_\_\_\_\_

Michael Weimar, Commissioner

*R. Weinstein/Recorder*