

11-08-17

Judge Shaffer called the regular Gilliam County Court meeting to order at 10 a.m. The meeting was held at Gilliam County Courthouse in Condon, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar and Commissioner Leslie Wetherell.

IN THE MATTER OF CHANGES TO THE AGENDA

Judge Shaffer announced the following changes to the agenda:

- Regarding ODOT Agreement 32393: Transit Coordinator Marla Davies is at a meeting and unable to be present; she has provided information to Court members via email.
- Waste Management Quarterly Report scheduled for 11 a.m. has been cancelled.
- An Executive Session pursuant to ORS 192.660 2 (e) and (f) will be held in the 11:00 time slot.
- In addition to those already named on the agenda, Paula Hall and Kevin Campbell, CEO's of CAPECO and GOBHI respectively, will be present for a discussion regarding the future of AAA. Senior Advisory Council Scott McKay, has also been invited but isn't in attendance.
- Jordan Maley of Gilliam County SWCD will provide an update on status of plans for design of new SWCD building.

IN THE MATTER OF HOMESTEAD REBATE

Gilliam County Assessor Chet Wilkins presented certification for the 2017-18 Homestead Rebate Program. Wilkins noted that the program yielded a rebate total of \$253,012.40 based on levied taxes of \$792,183.06 for 520 applicants. Wilkins also noted that the State grant under County Assessment Function Funding Assistance Program (CAFFA) was used to purchase a plotter printer.

IN THE MATTER OF AREA AGENCY ON AGING

GOBHI Business Development Director Marci McMurphy, GOBHI CEO Kevin Campbell, MCCOG Interim Director David Meriwether, and CAPECO CEO Paula Hall were present to discuss Area Agencies on Aging (AAA) program administration for the five-county region (District 9).

Judge Shaffer explained the State's process of selecting a new administration for the program. Local units of government have first right of refusal, (first tier), and Gilliam County is the only one that hasn't declined. Judge Shaffer commented that taking on administration of the program could provide local control and better services, but the Court must notify the State of a decision today.

David Meriwether clarified that if there is no interest by entities in the first tier, the selection would be opened to the second tier, consisting of contiguous AAA programs. He explained that if Gilliam County administered the program, the County would be responsible for all five counties in Region 9. However, certain services could be contracted.

Kevin Campbell said that GOBHI is willing to help with staffing and support, and that such a project should be a collaborative effort between the County and entities such as GOBHI and CAPECO. He also noted that the task would entail a lot of work with a relatively small budget for a large territory, but the ultimate goal is to take care of citizens where they are and allow people to remain at home as long as possible.

Marci McMurphy presented a proposed Transition Plan and budget, noting that if Gilliam County indicates interest and is subsequently appointed, an Area Plan must be developed as soon as possible. Community meetings would be necessary to determine what seniors need, what works well, and how to fill gaps of missing services. She said the current plan hasn't included enough community input.

Paula Hall expressed concern that MCCOG hasn't involved CAPECO in the transition process, which has given GOBHI an unfair competitive advantage. She noted that CAPECO, a tier 2 organization, has provided support without exception. She advised the County to take time to do due diligence, indicating that the County's notice of interest to the State would "stop the clock" and allow more time to make a final decision. Judge Shaffer agreed that things are moving too fast, and commented that it seems the County has been painted into a corner. He also agreed that all constituents should have an opportunity to provide input.

Commissioner Weimar asked at what point the State would take over the program, commenting that it would be better if the State assumes responsibility until things are straightened out. He also asked about costs involved if services were contracted by Gilliam County, noting that the County would initially need to contract with somebody to put the program together, which would require an up-front investment.

Judge Shaffer explained that administration costs are provided via per-citizen payments from all Counties, and that the County would also request an administration fee. When asked where the program would be located, he suggested the Gronquist Building in Arlington.

Commissioner Wetherell indicated concern about taking on the project just to stop the clock if the County isn't really interested. She asked if the County could reverse their decision later, and Hall indicated the County could step out if the Court determines later that taking on the program isn't feasible. Commissioner Wetherell also asked why other counties declined, and Judge Shaffer said he believes they didn't fully understand the process and assumed that MCCOG would select another entity to take its place; however, by the time they understood the State's selection process, it was too late.

David Meriwether said that MCCOG will continue operating the program until the transition – tentatively Jan. 31, but Hall noted that the State can take back operation of the program at its discretion.

Commissioner Wetherell asked if the matter could be tabled until later in the day, and the Court agreed.

The Court resumed the discussion later, during the afternoon session. Judge Shaffer reiterated the necessity of notifying the State of a decision today. Various details were discussed, including employee oversight, if employees would be required to reside within the County, and whether the State might divide the area, thus allowing the County to operate a program for Gilliam, Wheeler and Sherman.

Former Wheeler County Judge Chris Perry commented that more money would remain in the area if Gilliam County assumes responsibility, but said that separating the three smaller counties probably wouldn't be an option because the program is based on number of seniors served. Paula Hall said that the State has indicated it won't split the area unless nothing else works.

Family Services Coordinator Teddy Fennern was also present in the audience and noted that the County wouldn't have to do everything if certain responsibilities were contracted with GOBHI or CAPECO. She also commented that she attended a meeting of the Senior Advisory Council yesterday, and was unaware that CAPECO hadn't been invited.

Judge Shaffer said that an expression of interest at this time would give the County a chance to research the issue – probably until the end of January. Commissioner Weimar asked Judge Shaffer if he had time to take on the program, and Judge Shaffer and Commissioner Wetherell both indicated they do not.

At this point, Judge Shaffer called for a decision. Commissioner Weimar indicated the discussion has provided better clarity and suggested the County decline.

MOTION by Commissioner Weimar, second by Judge Shaffer, to notify the State Unit on Aging that Gilliam County is not interested in pursuing administration of the AAA program. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF SWCD BUILDING STATUS

SWCD Board Chairman Jordan Maley updated the Court on the status of plans for the SWCD building. He noted that the SWCD initially requested bids for design, which were roughly double what was expected. At that point, the Board started over, determined the minimum square footage required, and is now in the process of requesting bids for a complete redesign. Local builders have been encouraged to participate. Maley said that the closing date for bids is Dec. 7 and that he will provide an update soon thereafter.

Judge Shaffer noted that the Bank of Eastern Oregon and the County are providing building loans.

IN THE MATTER OF ODOT GRANT AGREEMENT NO. 32393

The Court discussed Transit Coordinator's Marla Davies' request for approval of ODOT Grant Agreement No. 32393. (Davies was not present). Commissioner Wetherell asked if the Grant is an annual award, and Judge Shaffer explained that although the Grant is annual, it is now a new agreement due to the addition of a section regarding the storage facility. Commissioner Weimar inquired how the money will be used for the storage facility, and Judge Shaffer noted it will fund engineering work provided by Jeff Schott of Pillar Consulting Group. He also noted that County legal counsel has reviewed the document.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve Grant agreement No. 32393 with ODOT Rail and Public Transit Division in the amount of 113,100 total, including an \$11,615 match, for various projects in the Transit Program. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF EXECUTIVE SESSION

Judge Shaffer declared the meeting to be in Executive Session pursuant to ORS 192.660 2 (e) and (f). Separate minutes were taken and will be filed in the office of the County Clerk.

RECONVENED: The regular meeting was reconvened by Judge Shaffer at 12:15 p.m.

Mac Stinchfield of the Times-Journal stated that as a matter of record, when two matters are discussed, the Court should go out of Executive Session after one discussion, then announce the second ORS and re-enter Executive Session for a discussion. Judge Shaffer said he believed he noted both at the beginning, and Stinchfield said it's appropriate to hold separate discussions within Executive Session if both are mentioned going in. Leanne Durfey said she also thought Judge Shaffer mentioned both, but she will listen to the tape to confirm. Judge Shaffer thanked Stinchfield for his comments and agreed he should have been more clear.

At this point, Will Carey advised that the Court accept the Request for Proposals.

The Court readdressed the matter upon returning from lunch, as follows:

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve the RFP for Goods and Services procurement negotiated between Gilliam County and the City of Condon, to include dark fiber IRU and maintenance, subject to counsel's final approval of requirements set forth in the County's ordinance regarding Public Contracting. Commissioner Weimar commented that a good team put the agreement

together and it's time to move forward. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;
Motion Carried.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve an Intergovernmental Agreement between Gilliam County and the City of Condon for the purpose of jointly developing, issuing and administering a Request for Proposals for a Goods and Services procurement in connection with the fiber project that will serve the residents of both Gilliam County and the City of Condon. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

The Court agreed to advertise the RFP in The Times-Journal, East-Oregonian, The Dalles Chronicle and the Daily Journal of Commerce. It will also be posted on the Gilliam County and City of Condon websites.

IN THE MATTER OF FIBER CONSULTANT

Judge Shaffer explained that Fiber Consultant Joe Franell is within \$300 of reaching the \$10,000 cap previously established by the Court. He said that a Request for Proposals should have been issued initially, but the County didn't expect the overall cost to exceed \$10,000. The County's auditors have advised that it's logical to proceed with Franell's contract at this point, since the project is well underway.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve continuation of the contract with Joe Franell until the RFP process has been completed. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF ARLINGTON TV COOPERATIVE REQUEST

Alan Cunningham of Arlington TV Cooperative was present to follow up on a previous request for a \$250,000 line of credit from the County Business Loan Fund, which would replace a Ritalia loan. The Cooperative suggested a payback with an interest rate of 2 percent over 10 years, compared to an 8 percent loan with a five-year payback for the Ritalia loan. Monthly savings to the Cooperative would be \$2,737. Cunningham explained that a decision is needed soon, as bills are coming up.

Judge Shaffer noted that the Community Bank funding is in first position, which leaves the County in second position for the \$1 million project. He suggested that the County consider funding the entire loan of \$822,000, thus putting the County in first position and removing the bank entirely. He also said that the County can't rush into a decision and asked for time to consider alternatives.

Arlington Port Commission Manager/Economic Development Director Peter Mitchell said that a decision isn't required right now, but the Cooperative needs to know if the County is committed to funding the project. He also suggested the County could provide

a smaller amount so bills can be paid now, and then take time to think about granting the request for additional funds.

Commissioner Wetherell asked how many customers have committed to the project, and Cunningham indicated that 200 people have said yes, with 60 to 70 making a firm, immediate commitment. She asked how many customers are required for the project to be viable, and Peter Mitchell said the project needs about 200 customers over a two- to three-year time period, not necessarily consisting of entire packages.

Judge Shaffer asked about a business plan and Mitchell said the fundamental plan hasn't changed.

Cunningham asked for some type of commitment from the County, as available cash flow will be depleted soon. He also noted that most of the cost overruns were due to unanticipated boring. Judge Shaffer said that County doesn't have the capability to make an immediate commitment and suggested that the Cooperative could proceed with the Ritalia loan, which could then be paid back if the County decides to provide funding. He said the Court would make a decision at the Dec. 6 Court meeting.

Cunningham asked to be placed on the Agenda that afternoon and was scheduled for 1:45 p.m.

IN THE MATTER OF PUBLIC HEARING: ORDINANCE NO. 2017-05

Judge Shaffer opened a Public Hearing at 1:30 p.m. to obtain citizen views and respond to questions about revisions to the Economic Enhancement Fund Ordinance No. 2017-05 and first reading of the Ordinance.

Judge Shaffer read revisions as reviewed and adopted in 2017, as stated on Page 11 and 12 of the Ordinance, also noting Rationale for Distributions on page 8.

With no public comments, Judge Shaffer closed the Public Hearing at 1:35 p.m. and opened the matter to discussion by Court members. It was noted that a second Hearing will be held Dec. 6 Arlington. There was no further discussion.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to have the first reading of Ordinance 2017-05 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

First reading by Judge Shaffer.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to accept the first reading of Ordinance 2017-05 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF PCDC INCENTIVE PROGRAM

Gilliam County District Attorney Marion Weatherford and PCDC Director Rob Turrie proposed an incentive program for abatement of dilapidated manufactured and mobile

homes. Weatherford explained that although the purpose of the program is to address substandard homes at Columbia River Mobile Home Park in Arlington, it is written broadly to include the entire County. He noted that the trailer park, which has been a problem for 15 to 20 years, is responsible for a large percentage of dispatch calls within the County and the residents are frequently victims of predatory business practices by the owner. The homes, many of which are substandard and not lawful for tenancy, are sold via sham sales with the business collecting \$385 monthly rent for spaces. People frequently leave with nothing and the trailers are resold for amounts ranging from \$1 to \$1,500, depending on the financial situation of the purchaser.

He explained that the goal is to remove substandard structures when people move – not to displace people. The homes would be removed within in a certain timeframe – probably 72 hours. Legal Aid in Pendleton would be available for residents who are victims of unfair business practices.

The plan would require updating of City ordinances to require that mobile homes are replaced only with properly permitted and inspected homes. He said Arlington City Council is meeting tonight to discuss the matter.

Commissioner Wetherell asked who will police the situation and Weatherford said that ordinances would be changed to require compliance, and that there is now more “muscle and will” than before to enforce State regulations. Turrie said that the PCDC Board has agreed to administer the program if funds are available. However, PCDC won’t participate until ordinances are put in place.

Commissioner Weimar asked if the County would be helping the owner clean up his property and Treasurer Nathan Hammer said the owner would actually be losing a significant revenue stream if trailers are removed. As things stand, he has no motivation to change his business plan or remove substandard homes.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to fund PCDC’s incentive program for assistance with removal and disposal of unsafe and substandard manufactured structures within mobile home parks in the County, in the amount of \$25,000. County Treasurer Nathan Hammer indicated money is available in the budget, and the Court agreed to take the funds out of the Project Development line item. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY AFFORDABLE HOUSING DISCUSSION

PCDC Executive Director Rob Turrie and Gilliam County Attainable Housing Team Co-Convenor Julius Courtney were present to continue a discussion on a proposed agreement that would create a public-private partnership to increase workforce housing and request for funds. Also present were Community Development Coordinator Rachel Weinstein, County Legal Counsel Will Carey and Treasurer Nathan Hammer.

Weinstein discussed the situation, noting that clean, safe homes are needed in order to bring younger people and educated professionals to both ends of the County.

Judge Shaffer commended the Team on a job well done, and agreed that a problem exists. He also noted that it's important to develop a plan in which most of the money will return to the County. Turrie explained that loans would serve as seed money for new construction. As they are repaid to the County, funds would be available for additional project loans. He said the market will indicate when the stimulus is no longer needed, and at that time, the goal will have been accomplished. He said that loans wouldn't be giveaways, but would be interest-bearing. However, grants could be made available for projects such as asbestos abatement or removal of lead paint.

Courtney commented that the Housing Team has made good progress, but the job is only partially done. He also noted that needs are very different in Arlington and Condon, and residents of both must have input regarding how County money is spent.

Regarding the Committee's request for \$2,126,000 over a three-year period, Courtney suggested that a smaller amount could be provided and extended by the County as it feels comfortable doing so – or not continued if the program doesn't work as planned.

Judge Shaffer said the matter will be further discussed by a committee consisting of Rachel Weinstein, Nathan Hammer, Rob Turrie, Will Carey and Judge Shaffer, who will work out something to bring back to the Court at the Dec. 6 Court meeting.

IN THE MATTER OF BUILDING CODES DIVISION

Judge Shaffer said that Wasco County has volunteered to put a proposal together regarding provision of building code services to Gilliam, Wheeler and Sherman Counties. Commissioner Weimar asked why Wasco County isn't offering other options, and Will Carey indicated the County can always counter offer if the Court isn't satisfied. Judge Shaffer noted that Jeff Schott is in support of the proposal. No decisions were made.

IN THE MATTER OF SENATE BILL 432

The Court discussed SB 432, which, if passed, would allow certain counties with low population growth to establish local land use provisions which are not consistent with statewide planning goals. Senator Peter Courtney is asking to carry the Bill into the next short legislative session. Judge Shaffer said that Peter Mitchell submitted a letter asking the Court to support the Bill. He also noted that the Farm Bureau was against the Bill but due to recent amendments, may now be in support. The Court decided to take a neutral position for now, as not all small counties are in support of the Bill.

IN THE MATTER OF CUSTODIAN LETTER OF RESIGNATION

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to accept the resignation of custodian Rob Turrie. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;
Motion Carried.

IN THE MATTER OF CUSTODIAN JOB DESCRIPTION

Court Administrator Leanne Durfey noted that the only change in the custodian job description is the addition of signature lines at the end of the document, indicating that the Court has approved the job description. She also said she has received job descriptions from LGPI for 41 positions, and the Court has a month for to review the documents. The matter will be placed on the Dec. 6 Court meeting.

Commissioner Wetherell asked about hours for the custodial position and Durfey responded that hours have been 7 a.m. to 12 p.m. Tuesday through Thursday, and 7 a.m. to 11:30 a.m. on Fridays.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve the Position Description for custodian. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF APPROVAL OF MINUTES AND CLAIMS

Commissioners pointed out a typographical error in the Oct. 18 minutes. It was noted that the name of the Natural Resources Intern mentioned on Page 2 should be Conner, not Collin, and that “Cottonwood Crossing Institute” should actually be “Cottonwood Crossing Summer Institute”.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve Oct. 18 Regular Meeting minutes as corrected, Nov. 1 Special Meeting Minutes, and October claims pending review. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF LOCAL COMMUNITY ADVISORY COUNCIL

MOTION by Judge Shaffer, second by Commissioner Weimar, to appoint Chanel Kelly and Amanda Nelson to the Gilliam County Local Community Advisory Council, Eastern Oregon Coordinated Care Organization. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF APPLICATION FOR ACTIVITIES IN COUNTY RIGHTS OF WAY

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve an Application for Activities in Gilliam County Right of Way submitted by Morris Weatherford. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF CONDON CHILD CARE REQUEST FOR FUNDS

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve disbursement to Condon Child Care in the amount of \$100,375 for FY 2017-18. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY SWCD REQUEST FOR FUNDS

MOTION by Commissioner Weimar second by Commissioner Wetherell, to approve disbursement to Gilliam County Soil and Water Conservation District in the amount of \$50,000 for FY 2017-18. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY LIBRARY REQUEST FOR APPROVAL

The Court briefly discussed a Grant Submittal Request Form in which Gilliam County Public Library requested to submit an application to Gilliam County Cultural Coalition. Coalition Board Member Mary Dyer commented that the Board has already reviewed and declined the Library’s grant application. The request was not considered.

IN THE MATTER OF SB 561 COMMUNICATION AND RESPONSE PROTOCOL

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve SB561, Gilliam County Communications and Response Protocol, Suicide Prevention Policy. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF MEDICAL EXAMINER RESIGNATION AND REPLACEMENT

Judge Shaffer received an email from Dr. Carlson which states he is interested in passing on the position of Gilliam County Medical Examiner. Dr. Mimi McDonnell is willing to accept the appointment. She will provide a bio and is expected to attend an upcoming Court meeting.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to accept the resignation of Dr. Bruce Carlson as Medical Examiner for Gilliam County. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF EVERGREEN CONSULTING STUDY

Judge Shaffer reported that the Community Renewable Energy Association (CREA) has asked Gilliam County to provide \$3,000 for an analysis regarding the economic impact of relying primarily on in-state electric generation resources compared to primarily out of state resources, and how renewable project developers could be incentivized to build in Oregon.

After brief discussion, the Court agreed with Commissioner Weimar’s suggestion that the matter be put on hold for now.

IN THE MATTER OF LGPI HUMAN RESOURCES/LABOR NEGOTIATIONS

The Local Government Personnel Institute has offered to represent Gilliam County in union negotiations and has indicated there are some issues regarding structure of union and non-union positions. LGPI has also advised that elected officials shouldn’t be involved in negotiations. Leanne Durfey indicated that the cost of services is \$150 per hour.

The Court agreed by consensus to request that LGPI add the County to its schedule for negotiations to begin early in 2018.

IN THE MATTER OF COURT MEMBER REPORTS

Court member reports were tabled due to time constraints.

IN THE MATTER OF HOLIDAY EVENTS

Judge Shaffer indicated that employees have expressed interest in an employee holiday lunch instead of a dinner. The Court agreed to cater lunch for employees on Wednesday, Dec. 20, and will also purchase holiday hams for employees. The Court also agreed to host an ice cream social on Nov. 21 at 3:30 p.m. to honor Vicki Winters for her 20 years of service to the County.

IN THE MATTER OF CORRESPONDENCE

Jeff Schott has notified the Court that the Ardent Mills floor project has been completed, the correspondence from Schott will be forwarded to the Commissioners.

IN THE MATTER OF THE NEXT COURT MEETING

The next regular Gilliam County Court meeting will be held on Wednesday, Dec. 6, 2017, beginning at 10:00 a.m. at Arlington City Hall in Arlington, 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 4:45 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Michael Weimar, Commissioner

By _____

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder _____