



## Court Agenda

### Special Session

**October 13, 2016**

**8:30 a.m.**

#### **1.0 Discussion Items:**

- 1.1** Frontier TeleNet
- 1.2** Frontier TeleNet – Employee Contracts
- 1.3** Court Response Letter Regarding Recent Frontier TeleNet Press
- 1.4** City of Moro – Franchise Fees

#### **Adjourn Special Session**

*\*\*If necessary, an Executive Session may be held in accordance with:*



**SHERMAN COUNTY COURT  
SPECIAL SESSION  
SHERMAN COUNTY CIRCUIT COURTROOM**

**MINUTES**

**October 13, 2016**

**Opened Court: 8:34 a.m.**

Present: Judge Gary Thompson, Commissioner Mike Smith, Commissioner Tom McCoy, County Counsel Will Carey, Administrative Assistant Lauren Hernandez

A quorum was present. Mac Stinchfield, The Times Journal, and Sherry Kaseberg, Sherman County eNews, were present.

**Additions to Agenda**

**SUMMARY OF ACTIONS TAKEN**

**Consensus:** The court came to the consensus to summarize the content of this special session in an article that explains Frontier TeleNet, how Frontier TeleNet relates to the new fiber system, and how Sherman County plans to proceed; this article will be sent to local press sources.

**1.0 Discussion Items:**

Present: Mac Stinchfield, The Times Journal; Sherry Kaseberg, Sherman County eNews; Bryan Adams, Lightspeed Networks; Ross Turney, Sherman County Assessor; Larry Kaseberg, Sherman County; Brad Lohrey, Sherman County Sheriff; Will Carey, County Counsel; Chris Kaseberg, Private Businessman/Citizen of Wasco; Perry Thurston, Citizen of Moro.

**1.1 Frontier TeleNet**

Judge Thompson called the special session to order and reviewed the agenda.

Will Carey, County Counsel, explained an ordinance was passed establishing Frontier TeleNet (FTN) as an Oregon Revised Statute (ORS) Chapter 190 entity. Northern Oregon Regional Corrections and Mid-Columbia Council of Governments are both Chapter 190 entities. The statutes allow cities, counties, and different governmental entities to join together to effectuate an agreement that they will form a Chapter 190 entity, which, under the law, has the same powers that each member county has. This was done with Frontier TeleNet. Since then, another Chapter 190 has been formed for the digital switch. A Chapter 190 entity is spelled out by Oregon statute, including its creation, bylaws, and how the entity is run.

FTN was formed by Wheeler, Gilliam, and Sherman counties. Each county has the right to appoint one member from its elected body to sit on the Board of Directors, which makes policy and decisions. In this Chapter 190, there was reason to include the school district, so the North Central Education Service District (NCESD) also joined as a member of FTN. FTN has created its own bylaws, and the board of FTN functions under a 'different hat' when it sits as the FTN board to conduct business than it does when members function as part of their own entities. Will stated one topic on the agenda is contracts, and there was an earnest attempt to follow the statutes. There have been questions about whether or not the FTN Board adopted contracting rules different than the statutes. This is allowed, and he believes FTN did this, though he is unsure if these rules were followed, as ORS Chapter 279 specifically outlines what must be followed for any contracting or procurement. In the last two instances of contracting/procurement, FTN followed ORS Chapter 279.

Judge Thompson explained FTN has served Wheeler, Gilliam, and Sherman counties for the last fifteen years. It was created to provide emergency services communications for all law enforcement, fire, ambulance, 911, and internet needs. At the time of its creation, no other entity would or could provide these services, so FTN built a broadband system through grants and user fees in order to meet that mission. At the same time FTN was building the system, it also recognized the need for getting internet access to underserved rural communities, primarily for schools and residents. No other provider would make Internet service available to everyone, so FTN met that challenge and has been a provider of broadband/Internet ever since. FTN sells broadband to multiple Internet service providers (ISPs) and many schools in the three counties, making it possible to have choices about Internet where once there were none. The need for high-speed broadband has become more critical. High-speed internet can increase the value of homes. It is difficult to attract growth to communities without high-speed internet because most businesses will not move to an area without high-speed internet access. This is one reason Sherman County started exploring fiber.

Commissioner McCoy added the current internet system worked well for years but has been disintegrating due to overuse and overload. There is a huge need to provide a fiber line with the capacity to serve the county over at least the next twenty years.

Commissioner Smith explained the county negotiated with other providers in the area to see if they could provide high-speed internet, but no company would commit to the project or reveal the location of fiber. These companies are receiving money to upgrade existing infrastructure over the next five years. Some of these dollars were supposed to be dedicated to Sherman County, though the funds were divided in such a way that they did not necessarily fit in with the provers' plans. Sherman County negotiated to see how it was possible to get fiber to the county and found a company already moving through. The original cost estimate was \$4-6 million. Using a company already coming through allowed the cost to be brought down to a reasonable level.

Sherman County has a digital switch, which is a large radio translator (administrated by the Frontier Digital (FTD) Board), making the county even more valuable. The 911 center in Condon provides 13 full-time jobs and is only able to do so because of the work FTN has done. FTN creates jobs in the area and pays for itself through user fees and grants. Sherman County recognized the need for high-speed internet and tried to negotiate with other providers but received no response. The fiber project was discussed for three years until it was planned for and implemented. The State of Oregon is providing an \$820,000 grant to support the project. Installing fiber provides much more broadband opportunity for companies to use as well as connects the digital switch to Condon and creates the ability for Sherman County to have a backup 911 center to be connected to Condon. The Condon facility is already taking on 911 for Jefferson County, and it is being explored to see if that can be done for other counties. This would provide family-wage jobs in the county and would be self-supporting. Doing this creates the opportunity for other ISPs to use the system to get service to an area no one else was serving. The court is still in conversation with companies like Century Link to use the fiber they have to get services to the area. The focus of the project has been to partner with other entities and to serve the greatest good as well as to provide 911 emergency services and all law enforcement communications. The state is rebuilding their own system, and Commissioner Smith serves on the State Interoperability Executive Council to

help manage this and to make sure rural areas like Sherman County are served. For the three-county area to achieve as much as it has is admirable and an incredible benefit to the area. FTN is a job creator, and the FTN system is unique and something Sherman County should be proud of.

The fiber system is not finished yet. Fiber is to the Erskine location and will be turned on any day. Fiber has already been hooked up to the courthouse and is on its way to Grass Valley. There are still questions about how the system will be used and how it will be made open and available to everyone to provide better service. Marketing has not been completely worked out. Just like counties create the opportunity for business by building roads, broadband is like a road in that it creates the opportunity for business.

Sheriff Brad Lohrey explained he has been the board chair for Frontier Regional 911 (FTR) for years. As the chair, FTR is a user of FTN. Brad sat on the FTN Board as a non-voting member. Sherman County is providing data for law enforcement to use. The use has changed, and there is a need for higher-speed connection. Before FTN was created, there was no dispatch center, and deputies could only communicate four miles apart. Any further than this and they could not communicate. Now, deputies can communicate across the county. Currently, the 911 center is looking at expanding. A county in a different time zone is interested in FTR dispatching for them, and the only way to make this happen is through fiber. The FTR Board believes in mission critical fiber. To make this happen, the fiber needs to be buried instead of strung above ground. FTR is currently dispatching for four counties with two others interested in exploring options after the fiber project, and the FTR Board needs to be able to communicate to those counties that it is mission critical with buried fiber that will not cause emergency and law enforcement communications to go down due to fire, fog, ice, power pole collisions, or anything else. While it is true the current system is functioning without fiber, no expansion or growth will happen without it. Technology keeps changing. Currently, Oregon State Police (OSP) work in Sherman County but cannot communicate with Sherman County deputies. Because of the digital switch and fiber, in the spring of 2017 Sherman County will be able to communicate to OSP, Oregon Department of Transportation employees, and more. This is the benefit the fiber project is bringing to FTR and the county.

Commissioner Smith added FTN has worked hard to catch up with technology changes. More changes will be coming over the next 5-10 years. Nationally, FirstNet is a nationwide broadband emergency service network being built. Congress has given an enormous amount of bandwidth, though the network can only cover largely populated areas. Less populated areas are being left out, and FirstNet is looking for partnerships to help cover those areas. FTN owns multiple towers with microwave, and connected to fiber, those towers can be converted to have cell-type signals so this area can join the network. Without this system, the tri-county area would be bypassed and left out of services larger areas enjoy. Moving the system towards that is critically important regarding emergency services. Currently, land mobile radio for police, fire, and ambulance is still used, and this has to be supported until the change-over. The county has to allow itself to build for the transition as it is doing now. FTN is doing something the state and national government wouldn't do for the three-county area. Allowing another entity to do this for the area would require large fees for limited services. Sherman, Gilliam, and Wheeler counties seized their own destiny to create a system in an efficient way.

Sheriff Lohrey acknowledged the work of past County Courts as the founders of the system and expressed gratitude for their foresight, as the system would not exist without them.

Chris Kaseberg, private businessman and citizen of Wasco, asked for clarification about the large fees that would be paid if the government wasn't creating the system. Commissioner Smith replied the county could use the state radio and would not have any control over the cost being charged. The state is able to use FTN towers, and if FTN hadn't created the towers, they would not be available for use. The county would wind up paying large fees for less coverage. Sheriff Lohrey gave the example that Sherman County funds dispatch through a 911 tax. The county receives approximately \$250,000 that goes to the dispatch center in Condon. If Sherman County could not use the FTN system to dispatch through Condon and had to create its own, the cost would be

approximately \$1 million. Jefferson County saves \$500,000 per year to have the dispatch center in Condon dispatch for them, and the only reason this option is available is the FTN system.

Chris stated he feels government from the federal government down to county government interferes with private business. He stated county roads are built as part of infrastructure to be used by all. He has no problem with fiber or technology used for the Internet, as Internet is how business is done. He does have a problem with not engaging with private companies to help build it. It is important the government doesn't do everything and is only present to facilitate. Commissioner Smith explained the court talked to private companies first about bringing in fiber and were told no, the project was too expensive. The refusal of these companies could have prevented access to high-speed internet in Sherman County. Some companies replied that if fiber was already installed, it would be cheaper for them to hook up and provide services, and they would consider this. One local service provider is now considering fiber to the home in the cities of Sherman County because the fiber now exists but would never consider building it before. The fiber creates the opportunity for companies to provide service. The county and FTN don't want to be in the position of being an ISP, but they want to be the provider of opportunity for broadband. In the past, Sherman County created a wireless network over the county and had broadband available. ISPs still wouldn't put up the antennas to serve the households because it was too expensive. The county figured out an economical way to install the antennas and invited ISPs to use them for a fee. This expanded broadband availability to the rural three-county area. Sherman County won a national technology award through National Association of Counties because it created the opportunity for companies to provide service. The county should not be an ISP, but if the opportunity exists everywhere else except for in Sherman County because no entity will provide the service to a rural area, it is the responsibility of the county to create opportunity for companies to provide the service.

Chris stated the county had Internet before the wireless system and fiber. He stated satellite Internet is better than the Internet service that has been provided. Commissioner McCoy replied satellite is expensive and has data caps. Chris added the amount of users on the wireless system caps how much he can use because he cannot log in. He stated the system is horribly run. Commissioner McCoy agreed and explained this is one reason the fiber line was built. The wireless system is not adequate, and a faster link to the outside world is needed, which is what fiber will provide. Chris asked who built the fiber and if other companies had the opportunity to bid on installing it. Commissioner Smith answered Sherman County gave the opportunity for several ISPs to provide internet services or fiber to improve services. The wireless network was slow because the county was sharing sixty megabits of data between three counties. Adding fiber gives Sherman County ten gigabytes of data, which means multiple ISPs can serve an enormous amount of more data. Sherman County and FTN tried to find a company to install fiber to provide the amount of data the county has access to now, but no company would accept the offer. This was three years ago. The court identified the possibility of a project and began setting money aside while continuing to invite ISPs to provide the data. No ISP accepted, and the need for the data was high.

Sheriff Lohrey added ISPs like Gorge Networks and Lightspeed Networks would like to provide internet and asked if they could now use the fiber to provide access. Commissioner Smith replied yes. Bryan Adams, Lightspeed Networks (LSN), stated LSN has an interest in serving the community and having access to the fiber but has been explicitly denied access to FTN facilities. Commissioner Smith asked if LSN buys bandwidth from FTN. Bryan answered LSN buys wireless broadband from FTN and is looking to expand and improve services but has been told no. Bryan is in favor of the fiber being open access and asked what the process is to make it so that it is a fair process not subject to board approval or board prejudice towards service providers. Commissioner Smith replied FTN looked to find a marketing director to deal with these issues. This is an open system and anyone can use it. If problems arise, the court will address and fix them. Commissioner Smith stated LSN provides access to the Circuit Court and should be using the fiber already connected to the building. Bryan agreed, and would like to use existing fiber to access the Circuit Court and the school but has been told no. Commissioner Smith replied FTN is trying to make sure the fiber is truly open and would like to prevent



overbuilding but does not want to block access. Bryan stated LSN is open and available to discuss this, but until now, this is not the response LSN has received.

Commissioner McCoy stated the fiber project is not yet complete and there are a number of marketing and access issues which need to be solved. The court would like the fiber to be open access, but the details haven't been worked out because the project is not yet finished. Chris stated this should have been figured out before the project was started. He stated the court should have already had a meeting with ISPs who provide service in the area like Gorge Networks. Judge Thompson replied Gorge Networks was not interested in providing service until fiber was installed, and now they are interested. Chris replied the court should have talked to them about the county supplying the infrastructure and George Networks supplying service afterwards, and he questioned if Gorge Networks knew the project was happening. Commissioner Smith stated Gorge Networks did know and he has been in conversations with the owner of the company about fiber for two years. The county has tried to get George Networks connected to provide service for a few years. Gorge Networks has a tower close to a tower in Sherman County and could have connected through fiber to provide service with that tower but chose not to. Conversations are still being held about partnership and how to best serve the county. Gorge Networks continues to ask about better infrastructure and if fiber is installed. All ISPs have said the same thing. The court did not install a fiber line with no forethought. It knows who the customers are and has been in discussion with several providers to find out what it would take to get them to service Sherman County. The court is meeting those goals for ISPs.

Perry Thurston, Citizen of Moro, stated he was present to represent citizens who did not know much about Internet. He stated attracting businesses to the area comes down to profitability and whether or not it is profitable to service a small community. Being able to promote Sherman, Gilliam, and Wheeler counties as profitable because the fiber infrastructure already exists is an incentive for businesses to come to the area. Perry asked Bryan who told LSN it could not access the fiber. Bryan stated it was Rob Meyers, Frontier TeleNet, who denied access and said FTN does not want competition in the marketplace. Judge Thompson stated this issue has not come in front of the FTN Board. Sheriff Lohrey stated as a tax payer, he hopes the FTN Board takes a look at this issue. He hopes the FTN Board approaches ISPs to use the fiber at a fair price so private entities can make money and don't have to come up with a huge investment to try to service Sherman County's small communities. Brief discussion was held about Wasco County's fiber in Maupin and Dufur and the source of funds for the projects.

Bryan stated up until this special session, LSN has been told by a representative of FTN that FTN does not want to do business with them because they are competition. LSN was told they could not connect to the joint facilities in Arlington which has forced LSN to sever its relationship with FTN in that area. LSN is spending \$200,000 of its own money to be able to connect in Arlington. The fiber has not encouraged the open relationship LSN anticipated, and if it is truly open, LSN welcomes the opportunity to discuss serving the community. Commissioner Smith stated FTN is working on changing its model to more effectively partner with service providers. Bryan asked what has changed since the wireless system, as it wasn't until the last 12-18 months that LSN has been told additional competition is not welcome. LSN has been serving the Circuit Court for over twelve years, and FTN has always been the access to Sherman County. The infrastructure used to be open to other service providers, and the unwillingness on FTN's part is new. Will asked LSN to look at some of its practices and asked if Bryan had spoken negatively about FTN in public meetings in the past. Bryan replied this special session is the first time he has openly spoken about FTN. Will stated FTN's policy will be to include other ISPs, though LSN will not be the only one. Bryan replied LSN is not looking at exclusivity. LSN's purpose is to bridge the broadband divide between rural and larger communities in Oregon. Bryan stated he has attended FTN meetings but has not raised the issue of being denied. However, it frustrates him to hear that the fiber is open to ISPs because this is not the message LSN has received as a service provider. Judge Thompson stated Sherman County fiber is going to be an open network, though the court has no say in what the other counties decide. Commissioner Smith stated Gilliam County's Judge Shaffer has stated several times that Condon fiber should be open access.

Will explained when the fiber project was planned, it was planned as an underground system. The county put out bids for installing the fiber underground. Mission critical underground fiber is crucial to 911 communications. The county installed fiber for emergency services and law enforcement communication but also had plans to sell some of the bandwidth.

Chris asked who was installing the fiber line. Windwave, a private company out of Morrow County is installing it. Sheriff Lohrey asked if Windwave put any of their own money into the project. The county saved money over the last few years and then put out a bid for the project. Windwave had to invest in fiber installed outside of the county to get to where Sherman County could hook into it. Windwave already invested in fiber to get to the Portland area. This is what saved the county so much money.

Sherry Kaseberg, Sherman County eNews, stated she researched Windwave, and it is a wholly-owned subsidiary of Inland Development Corporation (Inland) in Morrow County, which is a non-profit corporation. She stated this makes it a government-owned board. Commissioner McCoy replied Windwave is a private company. Commissioner Smith explained Sherman County is not a public utility, but FTN is, so Sherman County gave the task of installing fiber in Sherman County to FTN. Windwave is a private entity and used their non-profit company to do the fiber project. Sherry asked if Inland owned Windwave. Commissioner Smith replied they do, but they have a non-profit section to work with to complete government projects. Sherry stated she thought Inland was for profit. Inland is a non-profit company. Chris asked who owns Inland. Sherry stated she thought the Port of Morrow or Morrow County owned Inland, but the court did not know. Chris stated this is an example of the county not contracting with private companies to do projects. He stated Oregon Department of Transportation (ODOT) maintains Oregon roads but doesn't build them. When ODOT has major projects, it contracts with private companies and goes out for bid. This keeps the market competitive and keeps costs down for tax payers. Chris expressed concern over how the fiber project was done and whether it was done properly. He questioned whether a true private company was used or if Windwave has some connection with government and is being subsidized by tax dollars. He questioned if other companies who can install fiber were excluded because of this. Commissioner Smith stated County Counsel was involved to make sure everything was handled legally. The county installed fiber as inexpensively as possible because the opportunity existed, and it legally advertised for the job to make sure it was done properly. Chris stated the county can say the process was legal and asked who the process was inexpensive for. Commissioner Smith stated Chris was implying something unethical and suggesting Morrow County subsidized the cost for the fiber project in Sherman County, which is untrue. Sherry asked to see how it was advertised to get Windwave involved. Will replied it was advertised as a sole-source award in The Times Journal, The Dalles Chronicle, and The Eastern Oregonian. A sole-source award was chosen because after checking with a number of agencies, the only one that would offer the county dark fiber was Windwave. The advertisement was placed for the required time period and then the job was awarded to Windwave. Other companies like Century Link were approached to see if they could offer the same thing, but they could not. No other company would give the county dark fiber or meet the price to keep costs down. FTN advertised for the job, and these decisions can be found in the 2015-2016 minutes. A Request for Quote has gone out for the third phase of the fiber project to get to Rufus.

## **1.2 Frontier TeleNet – Employee Contracts**

FTN recently hired a new Director of Marketing. Commissioner McCoy asked if the marketing position for was advertised properly. Will replied yes, an advertisement was placed in The Times Journal, The Dalles Chronicle, and The Eastern Oregonian. The advertisement met all specifications and outlined the requirements a candidate would meet if they wanted to apply for the position. The advertisement ran a minimum of twenty days, and anyone who responded was interviewed.

Commissioner Smith stated FTN has been discussing marketing issues for a while. This topic is his area of expertise and something he is personally interested in. He has worked in Sherman County for over twenty years

doing this kind of work, and his current employer has asked all employees to move to Ohio. Commissioner Smith explained he was looking for another opportunity in the area when the Director of Marketing position opened. The advertisement was incredibly specific. The job requires complex understanding of government, government boards, board relationships, wireless technology, microwave technology, fiber, marketing, and more. Before applying, Commissioner Smith looked at the ORS to see if there were any conflicts with him applying for the job. It is typical of court members to be involved in various things and to 'wear different hats,' but it was important to make sure there were no conflicts. There did not appear to be any conflicts in the ORS because Sherman County Court does not directly affect FTN, and only the judges are on the board. In this area, finding something highly technical and so specific is very rare. The position is a contract position, offers no benefits, and is a pay cut from Commissioner Smith's previous position. However, he wanted to serve the area and applied for the job. He received a ruling from the Ethics Commission stating there were no conflicts with him applying for the position and outlining what to do if one arose. This is why Commissioner Smith felt he could apply to the job. No other candidate applied for the job. The job is an enormous amount of highly complex work that requires the candidate to live in the three-county area.

Candidates for the job had to be independent contractors. Commissioner Smith has an independent contracting business, Connections LLC, and FTN awarded the contract to that business. The contract is being negotiated and will be discussed during the next FTN meeting. Commissioner Smith stated before even looking at applying for the job, he made sure no conflicts were present. Articles have come out implying that there would be or are conflicts, yet no one approached him to ask about this. This was frustrating because marketing is his occupation and he did the work to make sure there were no conflicts before applying. Commissioner Smith stated the articles went after him as a person and went after his livelihood, which is unfair. He works hard as a Sherman County Commissioner, and although the work load is full-time, the pay is half-time. To be attacked in his personal life is hurtful. However, the work required in the position is essential, and LSN has pointed out the need for changes in how the fiber is marketed. How fiber serves businesses to serve citizens in the three-county area is incredibly important.

Sherry stated FTN already awarded the contract and awarded it to Connections LLC. Commissioner Smith confirmed this. Sherry stated paperwork for Connections LLC was filed at the Secretary of State's office on October 10. In the FTN minutes, it appeared as having been done September 27 or 28. Commissioner Smith replied he believed the paperwork had filed at that time, but it did not, so he had to go back and redo the paperwork. Sherry stated she spoke to the Secretary of State's office personally and they had no knowledge of the application, pending or otherwise. Commissioner Smith stated this is correct, as the paperwork did not go through. When he checked back on it, the paperwork was not processed or filed, so he had to fill it out again. Sherry asked if Rob Meyers was capable of doing the marketing work for FTN. Judge Thompson replied Rob is in charge of broadband and keeps the system running. The marketing position will be related to fiber. Sherry stated Rob is paid by FTN and by other boards who pay him to lobby. She asked if the court knew who the other boards were. Judge Thompson replied NCESD is one of them, but he was unsure of the others. Sherry stated that for what Rob is paid, he should have grown into the marketing job, as he is a full-time employee. Commissioner Smith explained Rob is managing the network itself. Currently the system is going through an extensive upgrade to change the microwave. Rob is managing a very large system and is tasked with keeping it running. The marketing portion has fallen to the side because of the time system upkeep demands. While marketing is important, it is equally important to keep the network running. Perry added the verbiage used regarding FTN not wanting competition suggests a monopoly, and a representative that uses that kind of verbiage should have a review of their position. Judge Thompson stated this issue will have to be handled by the FTN board.

### **1.3 Court Response Letter Regarding Recent Frontier TeleNet Press**

Many questions have recently been raised about FTN, and the court is in the process of drafting a letter that will be sent to news media and eNews regarding articles that have been published in The Times Journal and



Sherman County eNews. Sherry stated the court has had ample time to explain the fiber project over the last two years. Commissioner Smith stated there have been articles on broadband in The Reporter, and fiber updates have been given in public County Court meetings over the last 2-3 years. The court has not given open houses on the topic, but fiber has been discussed publically, including in articles in eNews. Recent press suggests there was no knowledge of the project even existing.

Sherry stated The Reporter announced two technology awards and then announced fiber. She suggested The Reporter could be expanded to include information in the newspapers as well. She explained The Reporter is an example of running competition with a private business. After asking citizens where they got their news, Sherry learned many citizens get their news from The Reporter, which does not report much about what the County Court does. Some also get The Times Journal and The Dalles Chronicle. Sherry stated the court could do better at being transparent and submit news to The Times Journal and not just eNews or The Reporter. The Reporter is mailed out, delivered to local businesses, and is posted on the county's website. Sherry stated court notes submitted to eNews are unclear, and to get more in-depth information, citizens must have computer access to read the official approved minutes. News releases are sent to The Times Journal. Commissioner McCoy asked what else the court can do to promote transparency beyond court notes and news releases. Sheriff Lohrey stated he is glad the press attended the special session and would like to see more press coverage of court sessions.

Mac Stinchfield, The Times Journal, explained that in the past, FTN has worked but has worked in obscurity. People weren't interested because the system was working. The board has not been transparent, which has now raised curiosity. Mac stated he appreciates receiving news releases from Sherman County Court, and they help citizens get an idea of the court's activities. Perry stated he appreciates transparency and reading eNews. He explained Sherman County has a governmental body that will sit and answer questions raised, and it is important to have faith in the county's government. If the court did not allow people in to ask questions, that would be questionable, but court meetings are transparent. Court notes and news releases in The Times Journal are appreciated and give him confidence in the court. Attending court meetings is best because it helps to better understand topics and it is first-hand information. Sherry suggested FTN or the court create a graphic organizer of the flow of funds that would chart where funds come from and where they go.

**Consensus:** The court came to the consensus to summarize the content of this special session in an article that explains Frontier TeleNet, how Frontier TeleNet relates to the new fiber system, and how Sherman County plans to proceed; this article will be sent to local press sources.

#### **1.4 City of Moro – Franchise Fees**

Judge Thompson reported he heard complaints that Windwave does not have a franchise agreement with the City of Moro. He was unsure if they had a franchise agreement with the City of Wasco either and asked who is responsible for applying. LSN has franchise agreements in both Moro and Wasco. Commissioner Smith contacted Windwave and was told Windwave applied for a franchise in both cities. LSN negotiated with the City of Moro and offers a 7% franchise fee. FTN is not in control of Windwave applying for a franchise agreement. Mayor Anderson will attend the next court session to discuss this. Windwave should apply for a franchise with Grass Valley and Rufus.

Mac asked about the ownership of the fiber. Sherman County provided the funds to FTN to facilitate the fiber project. FTN negotiated with Windwave that Windwave could claim ownership of the line if it provided a certain amount of data and bandwidth and maintained the line. The county owns capacity, not the fiber itself. The county did not want to own the fiber because it did not want to be responsible for maintaining it. If there are any problems with the fiber, Windwave will fix it. Windwave will pay taxes to the county on the fiber. Commissioner Smith commented that owning fiber and maintaining it speaks to what Chris was speaking about earlier, as Sherman County provided the opportunity for a private company to own and maintain the fiber.

### **Skeletonweed**

Commissioner McCoy explained he attended a Sherman County Soil and Water Conservation District meeting. There was no quorum, but those present discussed the explosion of Skeletonweed in Sherman County. Skeletonweed doesn't seem to be a problem on crop ground, but on scab ground or ground not being sprayed or tilled, it is exploding. The weeds seem to be exploding on Conservation Reserve Program (CRP) and organic farm ground. Neighbors next to this kind of land have expressed concern over this, and Commissioner McCoy asked if Sherman County can enforce weed control laws given that Oregon has a Right to Farm Act. Farmers who farm around organic fields would like this problem solved. Clarification is needed about what action can be taken, as organic farmers have the same right to farm as conventional farmers. Brief discussion was held about weed control methods organic farmers can use and requirements for farms to be certified organic. Weed growth impacts other farmers greatly when wind spreads the seeds into crop land. In traditional fields, chemicals are used to treat small patches of weed growth. The court asked Will for clarification about the Right to Farm Act and the rights of organic farming organizations. The court is not against organic farming and would like to work with and support all farmers.

### **Biggs Service District**

Will gave a brief update about the Biggs Service District water project. The Biggs Service District is in the process of applying a grant from the United States Department of Agriculture. When the district was formed, it was called the Biggs Special District. Jessica Metta, Mid-Columbia Economic Development District, informed will Biggs Service District was not eligible for the grant because the district was formed for sewer and not water service. Will wrote a letter to the state to explain the district was not limited to sewer service. The district was formed as a service district, and nothing precluded the district from providing water if the opportunity became available. The state replied to Will and agreed the district is not restricted to sewer, but sewer is the only service that has been designated so far. The Biggs Service District Board of Directors needs to meet and pass an order allowing the service district to also provide water. A hearing will be held, and notice will be given to those in the district so they may attend the hearing. North Central Public Health District has not required expensive water treatments to be done at each business because Biggs Service District is planning the water improvement project.

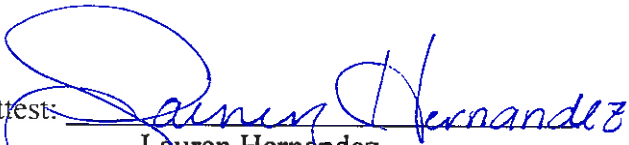
Being no further business before the Court, the meeting was adjourned at 10:40 a.m.

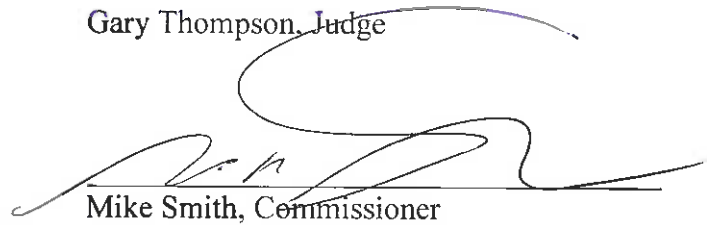
**Sherman County Court**



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Gary Thompson, Judge

Attest:   
Lauren Hernandez  
Administrative Assistant



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Mike Smith, Commissioner



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Tom McCoy, Commissioner