



**SHERMAN COUNTY COURT
REGULAR SESSION
SHERMAN COUNTY CIRCUIT COURTROOM**

MINUTES

August 16, 2017

Court opened: 9:05 a.m.

Present: Judge Thompson, Commissioner McCoy, Commissioner Dabulskis, Temporary Administrative Assistant Carmen Frost

A quorum was present.

Additions to Agenda:

- 1.4 - Executive Session in Accordance with ORS 192.660 (2) (i) Personnel
- 2.3 – IGA Transferring, Merging, and Dissolving Frontier Digital Network

1.0 Appointment Schedule:

1.1 9:00 a.m. Public Hearing – Ordinance to Transfer Frontier Digital Network (FDN) to Frontier TeleNet, and Terminate FDN

Present: Will Carey, County Counsel

Judge Thompson opened a public hearing at 9:05 a.m. County Counsel, Will Carey, explained that two readings of the ordinance are required. The most expedient way to do the readings is by title only and that by including the emergency clause, the ordinance will go into effect immediately; otherwise, it would be a 90-day wait.

Being no further discussion before the court, the public hearing was closed at 9:09 a.m.

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to have the first reading of Ordinance #04-2017 by title only.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

Judge Thompson read the ordinance by title only.

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to accept the first reading by title only.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to have the second reading of Ordinance #04-2017 by title only.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

Judge Thompson read the ordinance by title only.

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to accept the second reading by title only, and to adopt the ordinance.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

1.2 9:30 a.m. Mike Smith – Frontier TeleNet Update, Community Counseling Solutions

Present: Mike Smith, Will Carey, County Counsel

Community Counseling Solutions

First topic of discussion was Community Counseling Solutions (CCS), the mental health provider for Morrow, Wheeler, Gilliam, and Grant counties. Mike Smith explained since November 2016, CCS has been working toward developing a respite center for children who have no place to go after being removed from a home. They often land in a hospital or other inappropriate place due to lack of available space.

Mike presented a written proposal and documentation showing the location of the county-owned property, south of Rufus, that he would like to propose as a possible location for CCS to build a respite center. Sherman County was suggested due to being the most westerly member of the Eastern Oregon Coordinated Care Organization (EOCCO) with its proximity to the Medical Director for CCS, and the Portland region. A meeting with the District Attorney, Sheriff, County Judge, School Superintendent and the Juvenile Director was held in January of this year and the group is unanimously in favor of the project.

The facility will house 6-10 children, ages 13-17, and employ up to 15 people, and potentially more. There are also new and developing opportunities through the Oregon Health Authority that would expand the usage of the property within this framework. Mike has discussed the proposal with the Court and County Counsel, and would like to formally request a 50-year lease in exchange for the development of new services in Sherman County, and the significant employment it will bring to the area. Additionally, Mike cited the following applicable ordinance:

"Under ORS 271.330(2), the County may relinquish the title to a nonprofit that is providing any of the following: (a) low income housing, (b) social services, or, (c) child care services. As used in this section, the phrase "social services" and "child care services" include, but are not limited to, education, training, counseling, health and mental health services and the provisions of the facilities and administrative services to support social services and child care services."

Will Carey, County Counsel, reported that CCS would like the County to donate the land. He is recommending a 50-year lease instead. If CCS would want to sublet, it could be written into the lease that they would need the Court's consent.

Commissioner Dabulskis suggested doing additional research of CCS so that the Court is prepared to address questions and concerns that residents or nearby neighbors might have. Will Carey suggested notifying the neighbors in advance; Judge Thompson noted that they will be notified because of the required conditional-use permit. Commissioner McCoy suggested having CCS Executive Director, Kimberly Lindsay, attend the next County Court session and invite neighbors to attend to allow them the opportunity to speak with her directly. Mike will contact Kimberly, and Commissioner Dabulskis will contact his neighbors, about attending the September 6th County Court session.

Frontier TeleNet

In his Frontier TeleNet update to the Court, Mike mentioned that Gilliam and Wheeler Counties are considering the same merger that Sherman County adopted in today's public hearing. Mike reported that Gilliam County is considering a fiber project and has hired an independent consultant, Joe Franell, the CEO of Eastern Oregon Telecom. They will be working with Zayo to build fiber from Arlington to Prineville. Commissioner McCoy pointed out that this project will complete the circuit from the digital switch to the 911 center with buried fiber.

Zayo is also interested in running fiber through Wheeler County on the way to Prineville. In the negotiation, Mike intends to provide Wheeler County the ability to connect to the fiber, so that Wheeler County will have the option to do so in the future. Mike mentioned they hope to have negotiations completed by the 28th of this month. Sherman County's fiber will connect with Gilliam's fiber in Arlington and continue down to Condon. Additionally, Sherman County will be connecting to the Burns Paiute Indian Tribe, providing their 911 service, and this also provides an opportunity in Harney County. Frontier TeleNet is making the investment to assist Harney County; negotiations are in process. All of these connections make the digital switch more useful.

Mike reported that the Cottonwood and the Wheeler County wireless projects are going well and moving forward; waiting for the Governor to approve so that they can get started. The first phase of the wireless project will increase the wireless capability for all cities at once, and each city will have over 1 gigabit available for use. This wireless service could provide internet service to residents in rural areas who use medical monitoring devices, allowing wellness check-ins without having to travel to the doctor's office.

Mike reported that website bids are coming in. Even though all requests for information have been met (except requests for documents that do not exist), having a website will allow Frontier TeleNet to post minutes, information, documents, by-laws, board packets, plans, missions, goals, updates, communications, etc., making the information readily available and easier for public access. Mike, Will Carey, County Counsel, and the Court had a brief discussion about a physical space in a centralized location for storing records.

Mike reported discussions with internet service providers (ISP) are going very well. One of the providers would like to provide internet service in the cities by utilizing the existing technology, such as co-axial cable. With upgrading, this technology could provide up to 100-megabytes-per-second (Mbps) speeds which would relieve the

wireless network, raising the wireless speeds significantly. Mike will be taking this company on a tour of Moro and Grass Valley where the co-axial cable still exists.

Mike reported that they have been working with Association of Counties (AOC) to work with Frontier TeleNet to look at the configuration. He will be meeting with AOC again tomorrow. Mike also reported that the Frontier TeleNet meeting this Friday will be cancelled due to Solar Eclipse traffic, and rescheduled for possibly the following Friday at the Extension office. They have picked the third Friday to hold their monthly meeting, rather than a random schedule, and rotating the location.

Lastly, Mike reported that he will be attending a Senate Rural Summit in Washington D.C. He was invited by Senator Merkley's office to discuss broadband, healthcare, and transportation.

1.3 10:30 a.m. Rod Asher, Weed District Supervisor – August 21 Employee Attendance, Vehicle Purchase

Present: Rod Asher, Weed District Supervisor, Will Carey, County Counsel

Rod Asher, Weed District Supervisor, requested using his accrued comp time to give the Weed District staff a paid day off on Monday, August 21. This is the date of the solar eclipse event that will cover Oregon. Emergency Services have been prompted to be on alert for a high volume of visitors to Oregon. Eight of the nine Weed District employees are volunteer firefighters and some are medical first responders. Giving these employees a paid day off will allow them to respond, if needed, without the worry of financial loss. Rod pointed out that comp time has no true value; he is willing to reduce his comp time balance by 72 hours (8 hours x 9 employees) to facilitate the availability of volunteer emergency services responders for this event. Judge Thompson asked County Counsel, Will Carey, if this is legal. Will replied yes.

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to allow Weed District Supervisor, Rod Asher, to use his accrued comp time to give the Weed District staff a paid day off on August 21st, 2017, and reduce his comp time balance by 72 hours (8 hours x 9 employees) to facilitate the availability of volunteer emergency services responders for the solar eclipse event.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

Rod requested the purchase of a 2017 Ford F-350 using the Weed Sinking Fund in the amount of \$36,790.80 from the state bid process through Northside Trucks in Portland. Rod explained that the vehicle will replace the 2000 Ford F-350 with 189,200 miles on it. This vehicle will be retained and will replace their back-up vehicle, a 1985 Chevy C-30.

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve the purchase of a 2017 Ford F-350, using the Weed Sinking Fund in the amount of \$36,790.80 from the state bid process through Northside Trucks in Portland, Oregon.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

1.4 Executive Session in Accordance with ORS 192.660 (2) (i) Personnel

Present: Debbie Hayden, Finance Director, Will Carey, County Counsel

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to enter into executive session in accordance with ORS 192.660 (2) (i) Personnel.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

The Court entered into executive session at 11:52 a.m.

Lauren Hernandez, Administrative Assistant, has decided to return to her position in a temporary capacity, working two days per week until the end of the year. The Court discussed how best to move forward in filling the position.

Executive session closed at 12:19 p.m.

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to advertise for a County Court Administrative Assistant.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.0 Action Items:

2.1 Order to Destroy Unissued County Checks

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to authorize the Sherman County Finance Director to destroy unissued county checks due to incorrect amounts or printer error.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.2 Courthouse Renovation Change Proposal for the Solar Electric System

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve a change proposal and order for a solar electric system to be installed on the roof of the new building, at a cost of \$70,636.00, and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.3 IGA Transferring, Merging, and Dissolving Frontier Digital Network

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to approve the Intergovernmental Agreement transferring and merging all assets and obligations from Frontier Digital Network into Frontier TeleNet and thereafter dissolving Frontier Digital Network and operating all its requirements under Frontier TeleNet, and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

3.0 Discussion Items:

3.1 Loans with Main Street Project

Present: Perry Thurston, Resident, Moro, Deborah Rudometkin, Co-chair, Main Street Improvement Committee, Will Carey, County Counsel

Perry Thurston, Moro Resident and City Council member, explained that he was in attendance to discuss timing of the allocation of the funds made available through the Main Street Project. Commissioner McCoy clarified that \$15,000 had been allocated; the City will provide \$15,000 and the County will match that amount. Perry explained that this is a pilot project; Moro is the first city to utilize the funds. He is interested in setting a precedent by doing the right thing with full disclosure. Perry would like to see the City Council (Council) and the Main Street Improvement Committee (Committee) work together before obtaining the funds from Sherman County.

So far there has been a walk-through that did not include full participation of the Council, only Perry, Seth VonBorstel, the mayor, and some members of the Committee. The next City Council meeting is September 5th. Perry would like to make sure that the Council has reviewed that everything has been done, and the Committee has made recommendations to the Council prior to approaching the Court for disbursement of funds.

Deborah Rudometkin, Main Street Improvement Committee, agreed that any decisions to disburse funds needs to be tabled until the Committee has voted at their next meeting (August 29), and have made recommendations to the Council at the next City Council meeting (September 5th). She also emphasized the importance of transparency. There is a great deal of collective knowledge within the Committee and she would like to see this be a positive, cohesive experience for everyone. She wants to make sure that everything has been voted on and is done according to legal order.

Judge Thompson pointed out that it's not the County's responsibility to administer the funds once they have been disbursed. Perry replied that he wants the County's confidence when they vote on the disbursement of the funds. Judge Thompson clarified that Perry and Deborah will need to check with Finance Director, Debbie Hayden; if someone from the City has already requested the funds, the funds would have already been disbursed.

Commissioner McCoy stepped away to check with Debbie and reported back that \$11,000 has been disbursed for the branding iron project, leaving \$4000 remaining to be disbursed for other city projects. Deborah was not aware of this; Perry pointed out that this is an example of the lack of cohesiveness and lack of communication between the two groups. Will Carey, County Counsel, reiterated that it is not the County's responsibility to govern the City.

Commissioner McCoy suggested that if there are cities not utilizing the funds that have been allocated, other cities might be able to receive the funds if they have additional projects and come before the Court with the proper justification for the additional project(s). Will Carey advised that money not be given away to another city until the end of the fiscal year. Judge Thompson mentioned that this is a new project and in the experimental stage; adjustments may have to be made along the way. Deborah suggested that there be stipulations included with the disbursement of funds so that everything is above board. Commissioner McCoy again stated that it is not the County's responsibility to administer the funds once they have been disbursed. Judge Thompson suggested that they confer with the League of Oregon Cities to assist in working through their differences.

3.2 Commissioner Reports

Judge Thompson – Attended AOC Summit. Judge Thompson reported that AOC is eliminating three positions and that the winter convention will be shorter (Tuesday – Thursday); Sherman County will be hosting the AOC District 3 Regional meeting in September. Judge Thompson attended a meeting in Cottonwood Canyon to discuss FLAP grant.

Commissioner McCoy – Attended Mid-Columbia Council of Governments (MCCOG) meeting –a decision was made to consider dissolving MCCOG and the group discussed possible agencies that could assume responsibility for the programs MCCOG has been administering; had lunch with Mike Smith to discuss Frontier TeleNet; met with Brian Brandenburg at Northern Oregon Regional Correctional Facility (NORCOR).

Commissioner Dabulskis – Prior to harvest, Commissioner Dabulskis took a tour of Starvation Lane and attended the shift festival. While at the festival, he voiced his concern of the fire dance being done on grass rather than sand and feels this needs to be addressed. He also went to the medical tent and made sure they were aware it may take some time for an ambulance to arrive if there was an emergency.

4.0 Consent Agenda:

4.1 Minutes of August 2, 2017

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve the minutes of August 2, 2017, as presented.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

4.2 Revenue/Expenditure Summary – July 2017

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve the Revenue/Expense Summary for the month of July 2017, as presented.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

4.3 Treasurer's Report – July 2017

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to approve the Treasurer's Report for the month of July 2017, as presented.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

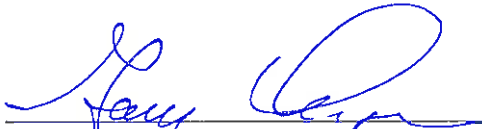
Abstain: 0

5.0 Future Agenda Items:

No future agenda items presented.

Court closed: 12:20 p.m.

Sherman County Court



Gary Thompson, Judge

Attest: 

Carmen Frost
Temporary Administrative Assistant



Tom McCoy, Commissioner



Joe Dabulskis, Commissioner