



Court Agenda

December 2, 2015

Additions to Agenda:

3.5 IT Review Questions

2.7 Justice Reinvestment Grant

1.0 Appointment Schedule:

- 1.1** 9:00 a.m. Michele Spatz – Mid-Columbia Economic Development District – Wasco County Coordinated Transportation Plan Updated
- 1.2** 9:30 a.m. Georgia Macnab – Planning Department – Model Code Update for Zoning Ordinance
- 1.3** 10:00 a.m. Heath Gardner, Scott Rogers – Wenaha Group – Recommendation for Construction Manager/General Contractor
- 1.4** 10:30 a.m. Executive Session in accordance with ORS 192.660 (2) (i) Personnel
- 1.5** 11:00 a.m. Public Hearing: Ordinance Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers in all areas subject to the jurisdiction of Sherman County, Oregon, and Declaring an Emergency
- 1.6** 1:00 p.m. Debbie Hayden – Finance Director – Audit Review; Rural Technology Group
- 1.7** 1:30 p.m. Chris DiLoreto, Brian Melton – Di Loreto Architecture – Wasco Annex Update

2.0 Action Items:

County Court Agenda – 12/02/15

***If necessary, an Executive Session may be held in accordance with:* ORS 192.660 (2) (d) Labor Negotiations ORS 192.660 (2) (h) Legal Rights
ORS 192.660 (2) (e) Property ORS 192.660 (2) (i) Personnel

- 2.1 Bid Opening - Surplus 2009 Honda Odyssey Ex-L Minivan
- 2.2 Bid Opening - Surplus a 2001 Ford E-350, V-10
- 2.3 Reader Board Proposal – Mark Coles – Road Department
- 2.4 Biggs Annual Repair Service Visit – Generator Repair
- 2.5 National Pollutant Discharge Elimination System Renewal Application - Department of Environmental Quality
- 2.6 Biggs Service District – Longevity Credit and Rate Lock Agreement
- 2.7 Justice Reinvestment Grant

3.0 Discussion Items:

- 3.1 Biggs Sewer Access Road Maintenance Request
- 3.2 Thank You Letter – Melva Thomas
- 3.3 Housing Proposal Update
- 3.4 Commissioner Reports
- 3.5 IT Review Questions

4.0 Consent Agenda:

- 4.1 Minutes of November 4, 2015
- 4.2 Claims - November
- 4.3 Treasurer's Report – October

5.0 Future Agenda Items:



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

MINUTES

**December 2, 2015
Opened Court: 9:00 a.m.**

Present: Judge Gary Thompson, Commissioner Mike Smith, Commissioner Tom McCoy, Administrative Assistant Lauren Hernandez

A quorum was present. No news media was present.

Additions to Agenda

2.7 Justice Reinvestment Grant

3.5 IT Review Questions

SUMMARY OF ACTIONS TAKEN

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize a Memorandum of Understanding between the Oregon Department of Land Conservation and Development (DLCD) and Sherman County to update the Exclusive Farm Use (F-1) Zone under DLCD's Multi-County Code Update Project and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the Facility Advisory Committee's recommendation to award to Kirby Nagelhout Construction and authorize Wenaha Group to coordinate the Intent to Award followed by a Notice to Proceed barring any formal protest and authorize Judge Thompson to sign any required documentation.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to go into Executive Session in accordance with ORS.192.660 (2) (i) Personnel and (h) Legal Rights.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner McCoy, second by Commissioner Smith, to suspend Jaclyn McCurdy as an Associate Fair Board member and as a volunteer until the County receives a letter of resignation or the matter has been resolved.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize a first reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner McCoy, second by Commissioner Smith, to accept the first reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize a second reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to accept the second reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers and adopting the Ordinance Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers in all areas subject to the jurisdiction of Sherman County, Oregon, and Declaring an Emergency.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize Judge Thompson to sign the Marijuana Local Option Opt-Out Form cover pages for the Oregon Health Authority and the Oregon Liquor Control Commission.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner McCoy, second by Commissioner Smith, to accept the bid from Guy Whatley in the amount of \$6,851 for the 2009 Honda Odyssey Ex-L Minivan.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to accept the bid from Roger Koski in the amount of \$5,003 for the 2001 Ford E-350, V-10, pending clarification questions to the bidder about the 'rear lift'.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner McCoy, second by Commissioner Smith, to authorize the expenditure of \$33,398.00 by the Road Department for two Ver-Mac 1210 V Touch 3 Line Message Sign reader boards from Highway Specialties, the cost of which will be taken from the Road Department budget.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the expenditure of \$1,500, to be taken from CH2M's repair fund, and \$3,200, to be taken from the maintenance line item of the Biggs budget, for the repair cost of the generator.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the renewal application for the National Pollutant Discharge Elimination System for Biggs Service District and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to accept the Longevity Credit and Rate Lock Agreement agreeing that Biggs Service District will remain a participant in the Special Districts Insurance Services Property and Liability Program from January 1, 2016, to December 31, 2017, allowing Biggs Services District to receive a Longevity Credit equal to \$379, and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner McCoy, second by Commissioner Smith, to approve the Justice Reinvestment Grant and authorize Judge Thompson to sign pending review by County Counsel.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the Minutes of November 4, 2015 as corrected, and the Treasurer's Report for October 2015.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the claims for November 2015.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

1.0 Appointment Schedule:

1.1 9:00 a.m. Michelle Spatz – Mid-Columbia Economic Development District - Wasco County Coordinated Transportation Plan Updated

Present: Michelle Spatz, Dan Spatz, Marnene Benson-Wood, Mary Adams

Michelle Spatz, Mid-Columbia Economic Development District, presented an update on the Sherman County Coordinated Transportation Plan. The Plan is required by the State of Oregon and the Federal Government in order to get funding that helps in part to fund Sherman County Community Transit. The Plan focuses on making sure the County has adequate transportation provisions for residents of the County who need help, primarily focusing on seniors, people with disabilities, those with low income, and those with limited English proficiency. Veterans are not a specific focus of the Plan as the County already receives Highly Rural Veteran's funds, but they will be included as a stakeholder.

Michelle explained she will begin the Current State Assessment in January 2016, which includes gathering data, talking to stakeholders, and getting an overall picture of how things are currently running. After this information is gathered, there will be another round of stakeholder interviews, community focus groups asking for input on the future vision of transportation in the County, an analysis looking at current gaps and needs not being served, and discussion on ways to meet those needs.

The new Plan will be created by Michelle. At the time the current Plan was written, it was thought there would be a revision in 2013, but that did not happen. While working on Sherman County's Plan, Michelle will be concurrently conducting Hood River and Wasco counties' plans. This will provide a regional snapshot by the time the plans are done, which should be close to October 2016. By this time, Sherman County's plan should be in place and adopted, and it can then be used to request Special Transportation Funds funding in the next funding cycle. Michelle plans to work with Marnene Benson-Wood, Community Transit, and her Special

Transportation Fund Committee, as the Plan is designed to support and help the Committee provide services needed.

A list of stakeholders was provided including those holding office or positions of responsibility in Sherman County. The Court reviewed this list.

Michelle added while one of the four focus groups for the Plan is those with limited English proficiency, she is just concluding a study by Association of Oregon Counties on the transportation need of limited English proficiency individuals in Hood River, Wasco, and Sherman counties. The study found this is not a pressing need in Sherman County. The new Plan will come before the Court sometime in the fall. Brief discussion was held about the impact on the Plan if Gilliam and Wheeler counties possibly join the Mid-Columbia Economic Development District.

1.2 9:30 a.m. Georgia Macnab – Planning Department – Model Code Update for Zoning Ordinance

Present: Georgia Macnab

Planner Georgia Macnab explained the Department of Land Conservation recognized rural counties' needs for implementing new legislative changes in laws regarding land use. Most of the time, the County does not get these changes included in its comprehensive plans and zoning ordinances. Last year was the State's first round of creating a model code incorporating all changes that have happened over the past few years. The model code will help smaller counties get caught up with legislative changes and will include solar and wind. Georgia has updated some documents over the past few years, but they are attachments and not incorporated in any comprehensive plans or zoning ordinances.

Georgia clarified the Memorandum of Understanding explains the State has hired a consultant to create the new model code. Georgia will be working with the consultant to go through changes made to the ordinance, and if the County disagrees with any aspect of it, she can give feedback and make changes.

The document the County will receive after this process is complete is a new zoning ordinance. It is costly to create new zoning ordinances, and the State has taken their own grant funding to hire consultants to do the work for the counties. The document should be finished by 2017. Georgia explained the current Memorandum of Understanding has had changes made to it, including the removal of wording about Forest Zones, as Sherman County doesn't have any, and including wording about Exclusive Farming Zones instead of Resource Zones.

After signing the Memorandum of Understanding, work can begin on the new zoning ordinance. The Planning Commission will be the advisory group for this process, and the final product will be taken before Court to receive final approval. Sherman County Court will be involved with the process and will be informed of any problems. The goal is to create a document that is not too restrictive, as the County would like to promote housing and growth.

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize a Memorandum of Understanding between the Oregon Department of Land Conservation and Development (DLCD) and Sherman County to update the Exclusive Farm Use (F-1) Zone under DLCD's Multi-County Code Update Project and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

1.3 10:00 a.m. Heath Gardner, Scott Rogers – Wenaha Group – Recommendation for Construction Manager/General Contractor

Present: Debbie Hayden, Ron McDermid, Heath Gardner (conference call)

A conference call with Heath Gardner, Wenaha Group, began at 10:01 a.m. Heath presented an update to the Court. The Selection Committee completed the Request for Proposal process for the Construction Manager/General Contractor (CM/GC). The Request for Proposal process went well. Six firms attended the pre-proposal meeting, which was mandatory. Two of those firms ended up not proposing, so only four proposals were received: Kirby Nagelhout Construction, Griffin Construction, Bremik Construction, and CS Construction. Proposals were reviewed and scored individually by committee members, and afterwards, an Evaluation Committee meeting was held to discuss and refine scoring.

Results of scoring placed Kirby Nagelhout Construction first, CS Construction second, Griffin Construction third, and Bremik Construction fourth. The committee interviewed the top two firms on Dec 1st. While impressed with both firms, the Committee didn't hear anything that caused them to question or change scoring from the proposals. The Evaluation Committee recommended the Court move forward with an award to Kirby Nagelhout Construction, which will consist of an Intent to Award to be published in The Dalles Chronicle followed up with a Notice to Proceed seven days later, per protocol. Heath added the Committee is glad to work with Kirby Nagelhout Construction as they are a strong firm and have characteristics giving them advantages in this process, which translates to value to the County.

Heath explained Kirby Nagelhout Construction is working on Sherman Jr./Sr. High School, and although this is an advantage because they have already figured out some logistics like lodging, this did not play a heavy role in the scoring. CS Construction is also very adept at operating in the area. However, part of the proposal is pricing. The CM/GC process asks for fees and cost. Kirby Nagelhout Construction, in addition to scoring better in other categories, had the lowest percentage fee of all proposers.

Ron McDermid, Justice of the Peace and Evaluation Committee member, explained the framework for the Request for Proposal is an important aspect of making hiring decisions. The Committee looks for companies with the capacity to be flexible if personnel or other things change. Kirby Nagelhout Construction is very strong in this regard.

Commissioner McCoy expressed uneasiness that the project is moving so quickly without a clear budget or vision of the completed product. He acknowledged this information will not be available until the architect has finished programming, which should be soon, but he would like some basic questions answered.

Heath answered hiring the CM/GC is the last piece of the beginning stages of the project. Involving the CM/GC will help make sure budgets and estimates are accurate. They will help the County put a preliminary, conservative estimate together and will serve as a mechanism to communicate with the Court to talk about the budget and direction of the project. When hiring the CM/GC, the County is agreeing with them on a not-to-exceed amount for pre-construction services. They will bill by the hour for time and materials as they help with pre-construction. Wenaha Group will hold the CM/GC to the not-to-exceed amount for those services. The County also agrees to a percentage fee for the construction phase. Kirby Nagelhout Construction's proposal included a fee of 3.95 percent. If the County goes into construction with Kirby Nagelhout Construction, Kirby Nagelhout Construction will receive 3.95 percent above the cost of merchandise. At this point, the County is only agreeing to a not-to-exceed amount for pre-construction services. Should the County determine that it cannot arrive at a budget and move forward, it would be able to stop the process without owing the CM/GC anything further. Currently, the County is not contracting with Kirby Nagelhout Construction for a construction amount beyond the time and materials they are going to spend for pre-construction services. The budget Kirby Nagelhout Construction proposed for pre-construction services is \$24,946.00.

Commissioner Smith expressed he supports the CM/GC model because it will prevent unexpected changes in the budget after the architect begins discussion with contractors. Debbie Hayden, Financial Director and Evaluation Committee member, added this process is like doing a feasibility study. Heath explained not only does the Committee get input from all team members, but also buy in from those members. The CM/GC has something at stake, and it will be important to them that accurate and proper decisions are made.

Heath outlined the process of the next four to six weeks. There have been two design workshops where Hennebery Eddy Architects met with different departments of the County. These workshops identified how current spaces are and are not working. The third workshop is scheduled for December 15th. Hennebery Eddy Architects will present results interpreted from past workshops and what the results equate to in terms of square footage needs. The first preliminary estimates will be based on this square footage amount until more specific details are available. An open house will be held on December 15th from 3:00 p.m. to 4:00 p.m. Members of the public are invited to come meet the team, ask questions, learn about the process, and give feedback or suggestions. Hennebery Eddy Architects will report on what they learned from workshops conducted and will demonstrate the need for the project. The team feels it is important the public has the chance to give input before many decisions are made. They will then take that input and determine if it can be incorporated into the plan.

After Hennebery Eddy Architects has incorporated feedback into the design development phase, a sketch or floor plan will be developed. The fourth workshop will be held January 5th, and at this time, the architect will show what they believe is the final program. From that meeting, the Committee will refine the program and give Hennebery Eddy Architects feedback about what to present to the Court. On January 20th, Wenaha Group will appear before County Court to present the program and the proposed budget. This is when the Court will need to decide whether or not to proceed with the project. Heath explained he would like to present a preliminary budget for the Court to review so they are well versed and aware of what is being proposed and have the chance to ask questions and receive answers before the final budget presentation. The conference call ended at 10:37 a.m.

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the Facility Advisory Committee's recommendation to award to Kirby Nagelhout Construction and authorize Wenaha Group to coordinate the Intent to Award followed by a Notice to Proceed barring any formal protest and authorize Judge Thompson to sign any required documentation.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

1.4 10:30 a.m. Executive Session in accordance with ORS.192.660 (2) (i) Personnel and (h) Legal Rights

Present: Will Carey

Motion by Commissioner Smith, second by Commissioner McCoy, to go into Executive Session in accordance with ORS.192.660 (2) (i) Personnel and (h) Legal Rights.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

The Court discussed personnel issues and the fiber project.

Executive Session closed at 11:51 a.m.

Motion by Commissioner McCoy, second by Commissioner Smith, to suspend Jaclyn McCurdy as an Associate Fair Board member and as a volunteer until the County receives a letter of resignation or the matter has been resolved.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Consensus: The Court agreed to have Commissioner Smith and County Counsel negotiate an agreement with Inland to begin the fiber project.

1.5 11:00 a.m. Public Hearing: Ordinance Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers in all areas subject to the jurisdiction of Sherman County, Oregon, and Declaring an Emergency

Present: Will Carey, County Counsel; Georgia Macnab, Planning Department; Rene' Moore, City of Moro; Carol MacKenzie, City of Wasco; Tim Anderson, Citizen of Kent; Shandie Johnson, Prevention Program; John Folliard, Tri-County Corrections

Judge Thompson opened the continuation of the public hearing at 11:00 a.m. for the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers. Will Carey, County Counsel, recommended the Court open up discussion to citizens in the audience who came specifically to testify, and then close discussion and go into deliberation.

Tim Anderson, resident of Kent, stated he was not aware of the first hearing held November 4th. He asked the specific reasons the Court was banning marijuana. Will explained when Measure 91 passed, the legislature also passed House Bill 3400, the purpose of which was to allow counties a vote. Counties where the vote was against Measure 91 are allowed to pass an ordinance to carry out the wishes of their constituents in order to follow what the majority of residents in the county voted for. Tim asked if the marijuana ban will be on a ballot. Will answered no. He explained because the majority of Sherman County voted against Measure 91, the issue is not required to be put on a ballot. He clarified the ordinance only applies to areas in the jurisdiction of Sherman County.

Tim explained he looks at the issue of marijuana as a patient as well as a caregiver for other patients. He stated the banning of marijuana concerns him due to his patient and caregiver roles, and that he attended the hearing to state his opinion on the topic as well as to know when the ban takes effect and the reasons for it.

Commissioner Smith clarified the ordinance has to do with production and growing, not recreational use. Tim asked for clarification that the ordinance doesn't affect medical marijuana. Will answered the ordinance doesn't outlaw marijuana, just dispensaries and commercial use. Tim stated he doesn't have a problem with banning dispensaries in Sherman County, but his concern is the actual banning of medical marijuana.

Commissioner Smith stated the ordinance is a very unique situation - not the topic of marijuana itself, but the ability to respect the vote of Sherman County. He shared he often hears the complaint that a small portion of the state votes the will of the entire state. This ordinance process is an opportunity to respect the vote of those in Sherman County, which he takes very seriously. Sherman County's vote counts, when so often citizens vote

opposite of the vast majority of the state. Commissioner Smith clarified the ordinance addresses retail sales, distribution, and manufacturing, and it gives Sherman County Court the ability to respect the vote of Sherman County citizens, which is incredibly important.

Mayor of Wasco Carol MacKenzie reported she researched the issue of marijuana thoroughly. She called the Department of Revenue, the Oregon Liquor Control Commission, a few police departments, and also talked to the Sheriff in Bingen. He said his department has noticed not only an increase of juvenile marijuana usage but the increase of violence. Carol stated she learned that when she was in school, THC was only 4% of the active ingredient in marijuana, and now THC is up to 37% of the pure active ingredient. She also reported officers in The Dalles say they have noticed an increase in juvenile marijuana usage.

Rene' Moore, City of Moro, replied the City of Moro adopted an ordinance banning the recreational sale of marijuana.

Tim stated his main concern is the medical aspect of the issue. He repeated he is a medical patient and a caregiver for other medical patients. He believes big cities can keep the dispensaries, and he is supportive of banning marijuana sites in the County, but he wants to make sure he can still take care of himself and his patients. Commissioner Smith clarified that from what Tim stated, the ordinance has no effect on him.

Will explained the ordinance was prepared with an emergency clause in it, and because a complete County Court was present, the Court could consider the ordinance and pass it in one meeting with an emergency clause by having readings by title only.

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize a first reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Will read the ordinance by title only.

Motion by Commissioner McCoy, second by Commissioner Smith, to accept the first reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize a second reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Will read the ordinance again by title only

Motion by Commissioner Smith, second by Commissioner McCoy, to accept the second reading by title only of the ordinance banning recreational and medical marijuana processing sites, dispensaries, producers, wholesalers, and retailers and adopting the Ordinance Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers in all areas subject to the jurisdiction of Sherman County, Oregon, and Declaring an Emergency.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

Judge Thompson clarified the ordinance has nothing to do with hemp. Tim asked how the ordinance does not affect him, as the title itself lists medical marijuana processing sites, dispensaries, wholesalers, and retailers, and he is allowed medical use of it. Commissioner McCoy explained medical marijuana users can still purchase marijuana elsewhere and bring it into the County to use. Will explained medical marijuana users still have the right to grow the amount specified as legal by law. Judge Thompson added marijuana cannot be processed in the County.

Tim asked for guidelines for the ordinance and for meanings of the words in the title of the ordinance. Lauren Hernandez, Administrative Assistant, stated the words in the title are defined in the ordinance document.

Commissioner Smith clarified the intent of the ordinance is not to affect medical marijuana. Tim replied he has a card allowing him to buy product as well as a card allowing him to grow his medicine. Will replied it has been clarified a number of times medical marijuana is not to be affected. Commissioner Smith asked Tim to notify the Court if any issues arise with his medical marijuana use.

Motion by Commissioner Smith, second by Commissioner McCoy, to authorize Judge Thompson to sign the Marijuana Local Option Opt-Out Form cover pages for the Oregon Health Authority and the Oregon Liquor Control Commission.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

No further public comment was heard.

The public hearing was closed at 11:22 a.m.

1.6 1:00 p.m. Debbie Hayden – Finance Director – Audit Review; Rural Technology Group

Present: Debbie Hayden

Debbie Hayden, Finance Director, presented the audit review to the Court. She explained there were two issues with the audit. The first issue is the Child Abuse Multi-Disciplinary Intervention (CAMI) Fund and the County Fair Fund both had negative fund balances. The Fair Board has already taken steps during this fiscal year to remedy that and should end this fiscal year with a positive balance. The CAMI fund has now moved to a different fiscal year ending in October instead of June. This should provide an opportunity for a positive balance at the end of the county's fiscal year and still expend the grant dollars within the grant provider's fiscal year.

The second issue is the fair is not following County policy with regard to the use of the fuel card and filling of non-County vehicles. Commissioner Smith stated the fuel card does not need to be used for personal vehicles as the County has a mileage policy that works very well. The card should only be used for filling up gas cans and tractors used to maintain the grounds. Debbie explained if a fuel card was kept at the fairgrounds and a log-in sheet was kept detailing who used the card, the date it was used, and what the fuel was for, that could be reconciled with the monthly bill. When someone does something for the fair, they can fill out a reimbursement form like County employees do. She added the County's reimbursement policy is effective and fair, and all reimbursement or fuel usage needs to be documented.

Commissioner McCoy asked about one of the significant deficiencies listed in the audit report citing inadequate segregation of duties with the fair secretary as a board member. In further conversation, through a financial aspect, the auditor heavily emphasized that segregation of duties is one of the most effective internal controls in combating employee fraud and believes it is not appropriate for a fair employee/bookkeeper who performs record keeping and reconciliation to also be on the board authorizing activity of the Sherman County Fair. Commissioner McCoy suggested notifying the Fair Board of the issue the auditor raised and asking them to resolve this deficiency along with the fuel card issue.

The Fair Board budget is currently negative about \$16,000. A check for Video Lottery money from the State will be received in January, and Debbie will advise the Board not to go below \$10,000, as this is what the balance is required to be at the end of June. Debbie reported this looks feasible, and the board is in a great place financially compared to last year.

Aside from these few issues and deficiencies raised, the audit went well.

Debbie reported she is having difficulties with Rural Technology Group (RTG) regarding billing. After disclosing that she was taking this issue before the County Court, Debbie received a phone call and was immediately forwarded the financial information requested. The account has been caught up through November and another check is in the mail.

Commissioner McCoy clarified RTG is responsible for hooking up users to the internet system. Commissioner Smith explained Sherman County's responsibility is the network and the access points. The County pays RTG monthly to monitor the system for any failures. It has been difficult to get an accurate number count of subscribers. Debbie explained RTG counts the radios and then subtracts the ones no longer being used.

Commissioner McCoy asked if it would help to have a maintenance agreement with RTG as one currently does not exist. The original agreement stated there would be a separate maintenance agreement, but it was never created. If one was ever drawn up, it was suggested that it be clearly defined that work performed on access points only would be compensated and the work for customers would not. Rate and fees should also be clearly specified.

1.7 1:30 p.m. Chris DiLoreto, Brian Melton – Di Loreto Architecture – Wasco Annex Update

This appointment was canceled due to weather and traveling safety concerns. Di Loreto Architecture will reschedule for December 16th.

2.0 Action Items:

2.1 Bid opening – Surplus 2009 Honda Odyssey Ex-L Minivan

Motion by Commissioner McCoy, second by Commissioner Smith, to accept the bid from Guy Whatley in the amount of \$6,851 for the 2009 Honda Odyssey Ex-L Minivan.

Vote: 3-0
Yes: Smith, McCoy, Thompson
No: 0
Abstain: 0

2.2 Bid opening – Surplus 2001 Ford E-350, V-10

Motion by Commissioner Smith, second by Commissioner McCoy, to accept the bid from Roger Koski in the amount of \$5,003 for the 2001 Ford E-350, V-10, pending clarification questions to the bidder about the ‘rear lift’.

Vote: 3-0
Yes: Smith, McCoy, Thompson
No: 0
Abstain: 0

2.3 Reader Board Proposal – Mark Coles – Road Department

Motion by Commissioner McCoy, second by Commissioner Smith, to authorize the expenditure of \$33,398.00 by the Road Department for two Ver-Mac 1210 V Touch 3 Line Message Sign reader boards from Highway Specialties, the cost of which will be taken from the Road Department budget.

Vote: 3-0
Yes: Smith, McCoy, Thompson
No: 0
Abstain: 0

2.4 Biggs Annual Repair Service Visit – Generator Repair

The generator running the pumps for the wastewater in Biggs, located at the sewer infrastructure area, is leaking. Brief discussion was held about the cost of repairing the generator versus replacing it.

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the expenditure of \$1,500, to be taken from CH2M’s repair fund, and \$3,200, to be taken from the maintenance line item of the Biggs budget, for the repair cost of the generator.

Vote: 3-0
Yes: Smith, McCoy, Thompson
No: 0
Abstain: 0

2.5 National Pollutant Discharge Elimination System Renewal Application – Department of Environmental Quality

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the renewal application for the National Pollutant Discharge Elimination System for Biggs Service District and authorize Judge Thompson to sign.

Vote: 3-0
Yes: Smith, McCoy, Thompson
No: 0
Abstain: 0

2.6 Biggs Service District – Longevity Credit and Rate Lock Agreement

Motion by Commissioner Smith, second by Commissioner McCoy, to accept the Longevity Credit and Rate Lock Agreement agreeing that Biggs Service District will remain a participant in the Special Districts Insurance Services Property and Liability Program from January 1, 2016, to December 31, 2017, allowing Biggs Services District to receive a Longevity Credit equal to \$379, and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

2.7 Justice Reinvestment Grant

Motion by Commissioner McCoy, second by Commissioner Smith, to approve the Justice Reinvestment Grant and authorize Judge Thompson to sign pending review by County Counsel.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

3.0 Discussion Items:

3.1 Biggs Sewer Access Road Maintenance Request

Consensus: The Court agreed to send the Road Department to grade the access road down to the sewer pump in Biggs.

3.2 Thank You Letter – Melva Thomas

The Court reviewed the letter written by Melva Thomas.

3.3 Housing Proposal Update

Commissioner McCoy explained he has tried to contact Mid-Columbia Producers several times with no response. He suggested dropping Mid-Columbia Producers as a partner for the proposed housing project. Sherman County School District has expressed interest in the idea of the project, but would like more information so they can discuss it. Judge Thompson added the Court will be hearing a proposal for at least two duplexes during County Court on December 16th.

3.4 Commissioner Reports

Commissioner Smith - Put together Community Advisory Council (CAC) grant of \$5,000 for equipment for health facility; board of the health facility put together a request for equipment for the meeting tomorrow; chose not to go after \$750,000 for CAC because too short of a time period - may open up after January for unused funds; Association of Oregon Counties Convention - had lots of interesting discussions; lots of sessions were on marijuana; Mid-Columbia Center for Living grant for their building the Community Development Block Grant for 2.5 million dollars was approved; they are moving towards building another facility in The Dalles; North Central Public Health District respite; The Coordinated Care Organizations in Wasco and Hood River want to give \$200,000 to each public health division; looking at trying to figure out how to use those dollars and coming up with a number per month from the Coordinated Care Organizations; working with the State Interoperability

Executive Council; they didn't award the County a grant - working on negotiating outside of the process for that; Oregon Broadband Advisory Commission meeting - FBI presented about the sophistication of technology; Mid-Columbia Council of Governments – Wasco County is talking about making their own building codes; citizen expressed upset about recycle bins again because the openings are too small, and someone dumped garbage in the recycling; talked to Erwin and he said he would switch them out to what the County used to have both in Moro and Grass Valley; updated about school and Educational Service District; fiber optics discussions; Northern Oregon Regional Corrections holding facilities discussion.

Commissioner McCoy –Attended different Task Force meetings for Northern Oregon Regional Corrections (NORCOR); meeting to approve a new funding formula; the hope is to go back to the original 50/40/5/5 split; Hood River County is on board with that if they can get a reduction of overall cost; juvenile wing of NORCOR is up in the air; there are eighteen beds and twelve are used by other counties; the solution to funding is to do two things - cut the number of beds down and see if the other counties will pay enough to equalize the cost of Hood River and Wasco County; Monday had Diversion and Reentry Task Force meeting focusing on mental health, and walked through where the TOOLS program used to be; administrators are proposing turning this into sub-acute and acute holding facility; Commissioner Smith stated the Mid-Columbia Center for Living board is very supportive of this use; NORCOR is investigating putting more women prisoners from the Oregon State System into a NORCOR wing; Judge Thompson stated there have been conversation about the State wanting to build new prisons while there are empty local prisons available; attended the Max Nogle dinner, Mid-Columbia Council of Government meeting; Mid-Columbia Community Advisory Council meeting.

Judge Thompson – No update.

Justice Reinvestment Grant

Will Carey, County Counsel, reviewed the Justice Reinvestment Grant and expressed concern about the specific insurance requirements listed in the grant. He recommended before signing to send a copy of the grant to the County's insurance provider to double check the County is covered for the grant requirements outlined.

3.5 Information Technology Audit Review Questions

Commissioner Smith read through the Information Technology Audit materials provided last Court session and emphasized he believes it is remarkably important the County get an outside audit based on experience with Mid-Columbia Council of Governments. During the November 4th Court session, Justice of the Peace Ron McDermid and Finance Director Debbie Hayden expressed they would like a break from organizing another audit at this time, as audits are work intensive and time consuming. This issue will be followed up on after the beginning of the year and action can be taken at that time.

4.0 Consent Agenda:

4.1 Minutes of November 4, 2015

A last name change and a typo need to be fixed. In the future, a clear way to distinguish between the sections of the Wasco Annex needs to be established.

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the Minutes of November 4, 2015 as corrected, and the Treasurer's Report for October 2015.

Vote: 3-0

Yes: Smith, McCoy, Thompson

No: 0

Abstain: 0

4.2 Claims – November

Motion by Commissioner Smith, second by Commissioner McCoy, to approve the claims for November 2015.

Vote: 3-0

Yes: Smith, McCoy, Thompson

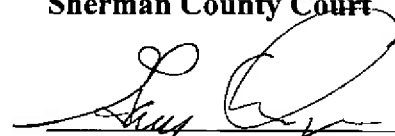
No: 0

Abstain: 0

4.3 Treasurer's Report - October

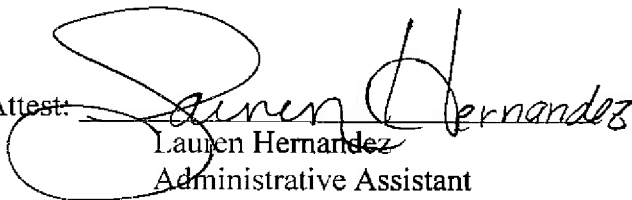
Being no further business before the Court, the meeting was adjourned at 2:00 p.m.

Sherman County Court



Gary Thompson, Judge

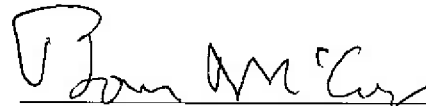
Attest:



Lauren Hernandez
Administrative Assistant



Mike Smith, Commissioner



Tom McCoy, Commissioner