

MALHEUR COUNTY COURT MINUTES

MARCH 9, 2016

The Malheur County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Also present were Administrative Officer Lorinda DuBois, Juvenile Department Director Susan Gregory, Annette Serano from Lifeways, and Road Department Accounting Specialist Shelly Dennis.

Also present was John Braese of the Malheur Enterprise.

HEALTH DEPARTMENT

Health Department Director Angie Gerrard and RN Rebecca Stricker met with the Court and discussed the Tobacco Prevention and Education Program (TPEP). Ms. Gerrard explained that Malheur County receives approximately \$61,000 from the State each year for TPEP work. Oregon Statute and OAR (Oregon Administrative Rule) include tobacco prevention as a minimum standard for the Local Public Health Authority (Malheur County Health Department). Parameters for TPEP work activity and spending are set forth in Program Element 13 of the IGA (Intergovernmental Agreement) between the County and the State. The funding is to be spent on staff and program work needs to focus on policy, systems and environmental change, not classroom education or individual cessation counseling. Ms. Gerrard was the TPEP coordinator before she assumed the role of Interim Health Department Director and later Director and consequently has had considerably less time to devote to TPEP work. In November, a vacancy notice was approved for hiring an RN and interviews were done. In December, an applicant was selected pending a background check but later that same week the Court implemented a temporary hiring freeze until AFSCME (American Federation of State, County and Municipal Employees) labor negotiations were concluded. Ms. Gerrard explained that Health Department staff, have been assisting with TPEP work over the last several weeks but nobody has the time available to devote coordinated, sustained efforts to the work. Approximately \$36,000 remains for this fiscal year for the TPEP. The work plan and budget for fiscal year 2016-2017 is due to the state by March 25, 2016. If the state TPEP funds are not used by Malheur County for the program they will need to be returned to the state.

Ms. Gerrard then discussed various options to consider. It needs to be decided if the funding will be spent in the current fiscal year as contractually agreed. If the funds will not be spent per contractual obligations then they will need to be returned to the State and no further funds will be disbursed for this fiscal year. Not providing the Tobacco Prevention and Education Program is a failure to meet Local Public Health Department minimum standards.

If the funding is to be spent in the current fiscal year as contractually agreed then a staff person is needed for the position. Options presented by Ms. Gerrard were:

- Hire a Health Specialist to be the TPEP Coordinator - could be a one-year term Health Specialist position this is specifically tied to the grant and renewed annually dependent upon continued grant funding; or could be a full time, County general fund Health Specialist to do TPEP work along with Promotora work through the CaCoon contract with OHSU (Oregon Health Science University) (the Health Department currently does not have a Promotora).
- Re-advertise and hire a RN for a one-year term that is specifically tied to the TPEP grant and renewable annually dependent upon continued funding. An RN would be advantageous as that person could provide for surge capacity and coverage for leave with other staff.
- Fill currently open full-time RN vacancy as was in the process in December 2015.
- Temporarily contract services for TPEP work for the remainder of this fiscal year; could contract with a RN; if feasible could contract with Rede Group (an Oregon tobacco policy consulting group) for them to do the local work; or, contract with a RN and Rede Group.

It also needs to be decided if the 2016-17 grant award for TPEP will be accepted. If the 2016-17 funds are to be accepted a sustainable plan for contractually appropriate work activity and spending must be established. If the funds will not be accepted then the State must be notified.

County Counsel Stephanie Williams joined the meeting.

Ms. Gerrard and Ms. Stricker answered questions from the Court members about the program. It was requested that Ms. Gerrard determine how much it would cost to utilize the Rede Group services. It was also requested that Ms. Gerrard determine what consequences there would be for not providing the TPEP.

AMENDMENT - IGA #147797

Commissioner Wilson moved to approve Eighth Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement (IGA) for the Financing of Community Addictions and Mental Health Services Agreement #147797. Commissioner Hodge seconded and the motion passed unanimously. The amendment modifies the financial assistance award in the agreement. Ms. Serrano was present to answer any questions the Court members may have had. A copy will be returned electronically for recording. See instrument #[2016-0852](#).

Ms. Serrano left the meeting.

Weed Inspector Gary Page joined the meeting.

DISTRICT ATTORNEY'S OFFICE

Assistant District Attorney Erin Landis, Management Assistant Marilee Aldred and Victims Advocate Director Cindy White met with the Court regarding the VAWA (Violence Against Women Act) victims advocate position. The last of the VAWA grant funds have been expended. Ms. White has secured VOCA (Victims of Crime Act) and CFA (Criminal Fine Account) grant funds totaling about \$15,000 a year for two years. Ms. White is continuing to seek additional grant funding for the position for the current fiscal year as well as the next fiscal year. It still may be necessary to utilize funds in the 45th Parallel budget along with County general fund monies for the position but it is hoped to secure the majority of the needed funds from grants.

WEED DEPARTMENT

Weed Inspector Gary Page met with the Court and presented the letter they had requested last week regarding Glyphosate Tolerant Creeping Bentgrass (GTCB) and the memorandum of agreement between Scotts Co. and USDA-APHIS (United State Department of Agriculture - Animal and Plant Health Inspections Services). The Court is concerned that the responsibility for GTCB management will fall to the individual landowners and irrigation districts and that as the local regulating agency Malheur County will be burdened with management costs as well. The Court is also concerned with the Petition of Deregulation of GTCB by Scotts Co; if the deregulation petition is granted then USDA APHIS BRS will no longer have regulatory authority. The Court signed the letter. See instrument # [2016-0806](#)

COMMUNITY IN ACTION (CinA)

Kris Hurd from Community in Action met with the Court and requested support for a USDA (United States Department of Agriculture) Rural Housing Services grant application for funding of the Section 533 Housing Preservation Grant for fiscal year 2016. If received, the grant would assist very low to low income homeowners with rehabilitation efforts to their homes; \$50,000 will be applied for. The Court was supportive of the grant application; Commissioner Hodge moved to submit a letter of support. Commissioner Wilson seconded and the motion passed unanimously. See instrument # [2016-0807](#)

Mr. Braese left the meeting.

ROAD DEPARTMENT - RENTAL OF BROGAN PROPERTY

Mr. Moulton met with the Court and explained that he had an individual apply to rent the County owned residence in Brogan. The individual is agreeable to the lease terms; Mr. Moulton suggested that the rent be set at \$500 per month. The Court agreed to the rental amount of \$500 per month.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of March 2, 2016. Commissioner Wilson seconded and the motion passed unanimously.

RESOLUTION - CIVIL RIGHTS PROGRAM TITLE VI

Commissioner Wilson moved to approve Resolution R16-6: In the Matter of Adopting Malheur County's Civil Rights Program Title VI, Limited English Proficiency Plan for Public Transportation Services. Commissioner Hodge seconded and the motion passed unanimously. The Plan will be submitted to ODOT (Oregon Department of Transportation) in satisfaction of federal requirements. See instrument # [2016-0819](#)

UPDATED POLICY 404 - PRE-EMPLOYMENT DRUG TESTING POLICY

Commissioner Hodge moved to approve updates to County Policy 404 - Pre-employment Drug Testing Policy Statement. Commissioner Wilson seconded and the motion passed unanimously. See instrument # [2016-0805](#)

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(d) - Labor Negotiator Consultation with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams, Administrative Officer Lorinda DuBois and Juvenile Department Director Susan Gregory. No decisions were made during or following the session.

COURT ADJOURNMENT

Court was adjourned.