

**MALHEUR COUNTY COURT MINUTES**  
**September 27, 2017**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and Surveyor/Engineer Tom Edwards.

Also present were: John Braese of the Malheur Enterprise, Larry Meyer of the Argus Observer, and Ontario Mayor Ron Verini.

**ROAD DEPARTMENT/BULLY CREEK**

Road Supervisor Richard Moulton met with the Court. Mr. Moulton presented two Crossing Permits for the Court's consideration. Commissioner Hodge moved to approve Crossing Permit #37-17 to Idaho Power to upgrade a transformer on an existing pole on Ivanhoe Avenue #1115; and Crossing Permit #38-17 to Idaho Power to replace a pole and install an OH transformer on Grove Road #920. Commissioner Wilson seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

Mr. Moulton presented a revised IGA with the Marine Board for the overlay and restriping of the boat trailer parking area at Bully Creek. Commissioner Wilson moved to approve Boating Facility Grant Intergovernmental Agreement, Agreement No. 1602 with the State Marine Board. Commissioner Hodge seconded and the motion passed unanimously. (This IGA replaces the previous IGA signed on September 6, 2017). A copy will be returned for recording. See instrument #[2017-3817](#)

Mr. Moulton also told the Court that the roof on the Shop sustained damages this last winter. Two bids to repair it were received and the repairs will be done soon.

**COURT SECURITY**

Court Security Deputy Cindy Padgett met with the Court. Also present was Maintenance Supervisor Don Dalton. Ms. Padgett updated the Court on courthouse security. All entrances to the courthouse are now restricted to access by employees only, with a key fob, except for the main front entrance; this entrance is the only public entrance. Additionally, a metal detector and security station will be installed at the front entrance; this will be paid for by court security funds and should be operational by the first of the year. (The metal detector at the top of the stairs on the second floor will be removed.)

Mr. Edwards left the meeting.

**COURT MINUTES**

Judge Joyce moved to approve Court Minutes of September 20, 2017 as written. Commissioner Hodge seconded and the motion passed. (Commissioner Wilson was not present on September 20, 2017.)

### **VETERANS TRANSPORTATION GRANT**

Commissioner Hodge moved to approve State of Oregon, Oregon Department of Veterans' Affairs 2017-18 Transportation of Veterans in Highly Rural Areas Grant Agreement - Malheur County. Commissioner Wilson seconded and the motion passed unanimously. Grant awards are not to exceed \$45,000 for the period of September 15, 2017 through September 14, 2018. A copy will be returned for recording.

### **DEVELOPMENTAL DISABILITY (DD) SERVICES AGREEMENT**

Commissioner Hodge moved to approve Amendment Number 03 to State of Oregon Intergovernmental Grant Agreement for the Financing of Community Developmental Disability Services Amended and Restated, Agreement Number 148074. Commissioner Wilson seconded and the motion passed unanimously. The Agreement is amended and restated in its entirety as of October 1, 2017 and extends the Agreement through June 30, 2019. Original document recorded as instrument #2015-2953. A copy will be returned electronically for recording. See instrument #2017-3897.

### **CORRESPONDENCE TO REPRESENTATIVE WALDEN**

The Court signed a letter to Representative Greg Walden thanking him for his work on the Renewable Fuel Standard (RFS). See instrument # [2017-3774](#)

### **LYTLE BOULEVARD LANDFILL**

Environmental Health Director Craig Geddes and Environmental Health Specialist Eric Evans met with the Court regarding the Lytle Boulevard Landfill. It was explained that the County's permit for the landfill allows a maximum of 20 tons per day. Currently the landfill is averaging 21.35 tons per day; there is concern that without changes, the landfill will be over its allowed limit at the end of 2017. Historically at this time of year the tonnage numbers are a little over the limit but averages out by the end of the year as the last three (3) months of the year will see a decrease in disposal amounts. However, if there is a zero (0) increase from last year, the disposal rate at the landfill will be 20.65 tons per day at the end of the year; which is still over the allowed maximum amount. (These numbers do not include the special permitted trenches for onion disposal and winter storm damaged building debris.) There is no waiver or exception available for the allowed tonnage. If the landfill goes over its limit the Subtitle D exemption from DEQ will be lost. A Subtitle D landfill is a lined landfill with water monitoring wells, extensive methane monitoring, and other requirements (could be a million dollar or more project).

Mr. Geddes recently held a meeting with the commercial haulers who use the landfill. Both Fox Sanitation and S&S Sanitation have had extensive drop box/roll off box use this year (these are 20-yard boxes). (Fox Sanitation has brought in approximately 100 extra loads; and S&S Sanitation has brought in approximately 70-80 extra loads (these have been disposed of in the regular landfill trench). Disposal rates are up 6% to-date this year and it is questionable if this trend will continue. In an effort to reduce disposal tonnage, drop box dumping is going to be eliminated at the landfill; additionally, it is proposed to eliminate the Saturday public open hours through the end of 2017. It is projected that discontinuing the availability of Saturday disposal hours could net a savings of 140 tons or 0.38 tons per day; and elimination of Saturdays and drop boxes could result in a projected 20.27 tons per day. (It is realized that some people will use the Tuesday/Thursday open hours with the elimination of the Saturday hours.)

Mr. Geddes noted that another possible option, that has not been fully explored yet, may be to discontinue dumping by Fox Sanitation, as they are located in Idaho. Ontario Sanitary has indicated that they could make-up some of the lost revenue from Fox Sanitation as some of their disposal from drop boxes could be done at Lytle Landfill. (It was later found that Ontario Sanitary's disposal would only equate to approximately \$10,000 per year and that is not sufficient to compensate from a loss of Fox Sanitation's revenue; so this option is not viable.)

The Court discussed the matter, included in the discussion was the need for better recycling programs throughout the county. Commissioner Wilson moved to authorize the closure of the landfill on Saturdays, beginning October 7th and continuing through the end of 2017. Commissioner Hodge seconded and the motion passed unanimously. The matter will be closely monitored as additional changes may be needed.

County Counsel Stephanie Williams joined the meeting.

### **HOUSE BILL 2012**

The Court received two lists of names of appointees for consideration for the Eastern Oregon Border Economic Development Region Board, created by House Bill 2012. The Ontario City Council submitted the following names: Ken Teramura, Renae Corn, Shawna Peterson, Ralph Poole, Adam Brown, Tiffany Cruickshank, Mark Redmond, Jana Iverson, Doug Maag, Jim Maret and Tory Gomez; and the City Managers of Vale, Ontario, and Nyssa, submitted a list with the following names: Doug Maag, Bill Johnson, Ken Teramura, Renae Corn, Shawna Peterson, Ralph Poole, Adam Brown, Jim Maret, Mark Redmond, Jana Iverson, Tiffany Cruickshank, Tory Gomez, and Riley Hill. Additionally, written correspondence indicating their interest in serving on the Board was received from Riley Hill, Dana Young, Shawna Peterson, and SREDA/Kit Kamo. The House Bill spells out that, eligible appointees shall have expertise in traded sector business, education, workforce development or economic development. A list of eligible appointees is to be submitted by the County Court to the Governor; and the Governor will appoint seven voting members to the Board.

Mayor Verini confirmed that each person on the City Council list was contacted and indicated their willingness to serve on the Board. Commissioner Hodge expressed personal concern that Mark Redmond was too busy to serve on the Board.

Commissioner Wilson stated the need to appoint the right people, and at least one needs to very strong and have the desire to make changes; he also inquired if the board could be nine persons rather than seven; this board has been created by the legislature and is in statute so it cannot be changed to nine.

Commissioner Wilson suggested each Court member develop a list consisting of ten potential appointees; and then it could be determined which persons were duplicated on their individual lists. Commissioner Wilson expressed that he was not supportive of submitting an extensive list of names for consideration and that the minimum of seven highly qualified individuals may be advisable. Commissioner Hodge was supportive of each Court member developing their personal list and then determining the duplicates and thought that may possibly result in a list of approximately ten persons.

Judge Joyce asked Mayor Verini if he had any comments. Mayor Verini explained that the list the City Council submitted was a result of the efforts of three city managers contacting persons and developing the city manager list; the City is putting their faith in the County Court and Mayor Verini believes the Court will make the right decisions.

It was discussed that the final list of eligible appointees needs to be diversified and a good cross-section of sectors.

The Court will revisit the matter at their meeting next week.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.

### **ASD**

Memorandum of Understanding for Use of Lucas 3 Chest Compression System between City of Ontario Fire Department and Malheur County Ambulance Service District (ASD). See instrument # [2017-3812](#)