

**MALHEUR COUNTY COURT MINUTES**  
**November 29, 2017**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge present. Staff present was Administrative Officer Lorinda DuBois.

Also present was John Braese of the Malheur Enterprise.

**ECONOMIC DEVELOPMENT - CYPRESS CREEK RENEWABLES**

Economic Development Director Greg Smith met with the Court telephonically; also present was Assessor Dave Ingram. Mr. Smith and Mr. Ingram updated the Court on a matter involving Cypress Creek Renewables (CCR) and their tax exemption in the Rural Renewable Energy Development Zone (RREDZ). Cypress Creek purchased several solar projects in Malheur County from the Coronel Group; and the Coronel Group had purchased the projects from Helio Sage. Enterprise zone agreements were entered into with Helio Sage in 2014 for multiple solar projects (there were multiple LLC's involved but all operated under Helio Sage). Cypress Creek failed to file the required annual exemption claim form and as a consequence received a tax bill from the County of approximately \$1 million. Cypress Creek Renewables has contacted Mr. Smith and is requesting the Court, Assessor, and Economic Development support their efforts to pursue a hardship claim under ORS 307.475. (The exemption is five years, and this tax year is the first year of the exemption; so Cypress still will have four years more to receive the exemption.) Mr. Smith noted that Cypress Creek Renewables has based their business model on the tax exemption allowance.

Mr. Ingram explained that multiple phone calls and conversations were held with Cypress Creek Renewables regarding both the RREDZ and the payment of a fee in lieu of property taxes program; and requests for the exemption form were made to Cypress Creek. Mr. Ingram also clarified with Mr. Smith that neither the County Court, nor Mr. Smith, have jurisdiction in making a decision on the company's payment of taxes. Cypress Creek can file a Request for Hardship Review under ORS 307.475 with Department of Revenue by December 15th; if the Director of Department of Revenue finds that the hardship should be granted then the director will make a written recommendation to the Assessor; and if the Assessor agrees with the director's recommendation a redetermination of the property taxes can be made.

Cypress Creek met with Mr. Ingram on November 13th and provided the Oregon enterprise exemption claim form but did not include the property schedule; as of today, the required property schedule has not been submitted. Cypress Creek also requested Mr. Ingram write a letter of support to the Director of Department of Revenue for the hardship claim; Mr. Ingram explained that he would not do that as he had not seen the information from Cypress describing why they were late with their required filing.

Mr. Smith noted that he visited with Art Fish at Business Oregon and this has happened to multiple companies throughout the state; most are informed that as the business missed its obligation the taxes are due that first year and there remains four more years to receive the exemption if the proper process is followed.

Consensus of the Court was to support Mr. Ingram and his decisions concerning the matter. Cypress Creek Renewables can apply for hardship relief for its failure to file for the exemption; the deadline to file with Department of Revenue is December 15, 2017.

#### **AMENDMENT - IGA #154122**

Commissioner Hodge moved to approve Third Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement (IGA) for the Financing of Public Health Services, IGA #154122. Judge Joyce seconded and the motion passed. The amendment replaces in its entirety Attachment A - Financial Assistance Award; and Exhibit J is amended to add the federal award datasheet as set forth in Attachment B. A copy will be returned for recording.

#### **BARGAINING AGREEMENT - SHERIFF'S ASSOCIATION**

Commissioner Hodge moved to approve Integrated Collective Bargaining Agreement between Malheur County Sheriff's Office and Malheur County Sheriff's Association. Judge Joyce seconded and the motion passed. The agreement expires December 31, 2020. See instrument #[2017-4515](#)

#### **ROAD DEPARTMENT VACANCY**

Judge Joyce moved to authorize advertising/hiring for a vacancy in the Road Department in Jordan Valley. Commissioner Hodge seconded and the motion passed. Roger Carson submitted his retirement notice effective November 30, 2017.

#### **LETTER OF SUPPORT - RELOAD PROJECT**

The Court signed a letter of support to the Oregon Transportation Commission for Malheur County Development Corporation's Treasure Valley Reload Project Proposal. See instrument #[2017-4517](#)

#### **AMBULANCE SERVICE DISTRICT (ASD)**

The Court met as the governing body of the Ambulance Service District. ASD Director Bob Dickinson requested the Court review a letter he had prepared terminating the agreement with Dr. Morris Smith for supervising physician duties to the emergency medical service providers in the county; Mr. Dickinson will send the letter to Dr. Smith. Mr. Dickinson presented an agreement with Dr. Brian Kitamura for supervising physician duties. Commissioner Hodge moved to approve Professional Service Agreement Supervising Physician to Emergency Medical Service Providers Within Malheur County with Brian Kitamura, M.D. Judge Joyce seconded and the motion passed. See instrument #[2017-4516](#)

#### **PLANNING COMMISSION**

Planner Alvin Scott met with the Court and discussed the Planning Commission membership. Bob Martin resigned from the Commission and Dan Hart moved out of the county. Mr. Smith made contact with several members of the community; Frank Ausman and John Faw expressed their willingness to serve on the Commission, and George Rodriguez Jr. expressed his interest in serving in the future. Judge Joyce moved to appoint Frank Ausman and John Faw to the Malheur County Planning Commission. Commissioner Hodge seconded and the motion passed.

Mr. Braese left the meeting.

County Counsel Stephanie Williams joined the meeting.

### **FAIRGROUNDS**

Fairgrounds Manager Lynelle Christiani met with the Court. Also present was Euvalcree Executive Director Gustavo Morales. Ms. Christiani explained that the fair board is working on "rebranding" of the fairgrounds, which includes updating its policies and procedures. The Fair will have a carnival next year; a contract has been signed. Obtaining the carnival was a joint effort of several county fair managers.

The Board is proposing to not rebuild the 16 stalls on Horse Barn C that were damaged this last winter; rather they wish to construct a restroom/shower facility in that area. However, in order to get power to that area there needs to be a 30 foot easement through the adjoining landowner's property (Brewer). Ms. Christiani requested the Court's help in obtaining the needed easement. Ms. Williams suggested a boundary line adjustment might be proposed with the County purchasing the 30 foot of property. If a new transformer was installed in that area it would be a cost of approximately \$110,000. Ms. Christiani has not personally made contact with the adjoining landowner yet. Judge Joyce said he would make contact with someone regarding the matter.

Several pieces of equipment need to be upgraded, including the water truck and the tractor.

Ms. Christiani also explained that the Fairgrounds do not have a caretaker again. The previous caretakers have been obtained through American Staffing; the Fair pays \$10.00 an hour for a caretaker and it is hard to keep persons in the position. Euvalcree is proposing to contract with the Fairgrounds to provide the caretaker services.

Mr. Morales explained about his organization, Euvalcree. Euvalcree uses the fairgrounds for its events multiple times a year and a large number of persons attend its events. Euvalcree focuses on developing the social capitol and leadership capacity of community members; they are a Latino-led and community focused 501(c)3 non-profit organization based in Ontario, and established in November 2014. Mr. Morales showed three promotional videos to the Court that further explained about the organization Euvalcree. Mr. Morales explained that Euvalcree wants to partner with the Fairgrounds; and as a non-profit it can leverage its position to acquire capital funding to improve the fairgrounds facility. Euvalcree has also proposed to the Fair Board that it contract with the County for the caretaker services (Euvalcree would like to have shared liability with the County); the Fair Board was supportive of the proposal. After discussion, the Court was also supportive of the caretaker proposal if the legal aspects of a contract with the organization could be worked out and agreed upon.

### **COURT ADJOURNMENT**

The meeting was adjourned.