

## **MALHEUR COUNTY COURT MINUTES**

**January 3, 2024**

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room was Administrative Officer Lorinda DuBois and Economic Development and Community Coordinator Taylor Rembowski. Notice of the meeting was posted on the County website, Courthouse bulletin board and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2024-0017

### **PUBLIC HEARING - SUPPLEMENTAL BUDGET**

Judge Joyce opened the public hearing for consideration of Resolution R24-02. The public hearing and supplemental budget were necessary in order to allocate additional Cash On Hand that was not anticipated when the budget was adopted - these funds will be used for a onetime employee recognition payment; and to allocate contract buyout funds in the General County Equipment Fund that were not anticipated when the budget was adopted - these funds will be used to pay off current copier stream of payments. No public comments were received. Judge Joyce closed the hearing. Commissioner Jacobs moved to approve Resolution R24-02: In the Matter of Fiscal Year 2023/2024 Supplemental Budget by Resolution Under Local Budget Law ORS (Oregon Revised Statutes) 294.471. Commissioner Mendiola seconded and the motion passed unanimously. See instrument# 2024-0018

### **NATURAL HAZARDS MITIGATION PLAN SUPPLEMENT - HIGH HAZARD POTENTIAL DAMS**

Emergency Services Lieutenant Rich Harriman met with the Court and reviewed a proposed supplement to the County Natural Hazards Mitigation Plan. Oregon Water Resources Department is working with Orchards Water Company as Orchards Water Company owns two non-federal dams that are in poor condition. The High Hazard Potential Dams Grant Awards provide technical, planning, design, and construction assistance in the form of grants for rehabilitation of eligible high hazard potential dams. Adding this supplement to the County Natural Hazards Mitigation Plan is needed to meet grant requirements and to coordinate between Malheur County, the local dam owner, and Oregon Water Resources Department. (Lt. Harriman noted that the Natural Hazards Mitigation Plan is in the beginning phases of being updated, but that addition of this supplement to the existing plan is necessary now in order to facilitate moving forward to mitigate potential hazards of the dams.) Commissioner Jacobs noted that as Pole Creek and Willow Creek 3 dams are not federally owned it is difficult to secure funding for maintenance and improvements. Orchard Water Company also needs to update its Emergency Action Plan and that is part of the mitigation process. Commissioner Mendiola moved to adopt the High Hazard Potential Dams supplement into the County's Natural Hazards Mitigation Plan. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2023-0047

### **AGREEMENT – NEY**

Commissioner Jacobs moved to approve Seventh Agreement for Temporary Environmental Health Specialist Services - Restaurant Inspections and Supervision of Environmental Health Specialist Trainee with Melissa Ney. Commissioner Jacobs seconded and the motion passed unanimously. Ms. Ney will perform food service and other inspections in Baker County and Malheur County and supervise Malheur County's Environmental Health Specialist Trainee. See instrument # 2024-0022

### **FARMERS MUTUAL TELEPHONE COMPANY - BROADBAND**

Meeting with the Court from Farmers Mutual Telephone Company (FMTC) were General Manager Ron Rembelski and Outside Plant Manager Blake Seamons. Mr. Rembelski explained that Farmers Mutual provides communication services to the core area of Fruitland and NuAres (Idaho). Most recently, FMTC completed the project of upgrading to a fiber to the home network; this was an investment of \$18.5 million from 2016 to 2022. In 2015, FMTC expanded outside of its base area and started providing services in the Nyssa, Vale, Ontario (Oregon), Payette, and New Plymouth (Idaho) areas. FMTC uses primarily fixed wireless in Oregon and has a tower on Rinehart Butte. (There are also a couple of towers on the Idaho side that shoot into Oregon.) FMTC is looking at the possibility of new funding opportunities that have presented themselves; the programs are a one-time opportunity to build a network to support the communication needs of the community for the foreseeable future. The programs are through Business Oregon - Oregon Broadband Office and include the Broadband Technical Assistance Program (BTAP); the Broadband Deployment Program (BDP); and the Broadband Equity, Access, and Deployment (BEAD) Program.

The Broadband Technical Assistance Program is \$150,000 per County to use for the development plans of communication; applications can be for feasibility studies, preliminary engineering, and staffing. FMTC is looking at this opportunity as a possible source to assist with expanding its footprint with fiber optics into Oregon. Applications for this program opened January 2, 2024 and close February 2, 2024.

Oregon was allocated \$157 million through the American Rescue Plan Act, Capital Project Fund. \$149 million of the Capital Projects Fund money will go toward the cost of rural broadband deployments - the Broadband Deployment Program. The Broadband Deployment Program provides grants to fund the development of broadband infrastructure to serve unserved and underserved locations. The application window is expected to open mid-January through March 2024.

Oregon was allotted \$689 million for the BEAD program for broadband deployment to the unserved and underserved.

FMTC has engaged their engineering firm to help evaluate whether or not FMTC can build an application for these funding opportunities and provide fiber to residents in eastern Oregon. FMTC may request support from the County in their application efforts.

Mr. Rembelski and Mr. Seamons answered various questions from the Court members. See instrument # 2024-0027 for the informational handout on the three programs.

### **COURT MINUTES**

Commissioner Mendiola moved to approve Court Minutes of December 13, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

### **PERS RETIREE EMPLOYMENT AGREEMENTS - PERKINS, ZEMMER, MILLER**

Commissioner Jacobs moved to approve Danny Perkins - employment of PERS (Public Employees Retirement System) retiree Employment Agreement; Legal Assistant - employment of PERS retiree Employment Agreement with Melanie Zemmer; and Child Support Specialist / Malheur County District Attorney's Office - employment of PERS retiree Employment Agreement with Teresa (Teri) Miller. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-0023, #2024-0025, #2024-0024

### **EMPLOYMENT AGREEMENT - LAWRENCE**

Commissioner Jacobs moved to approve Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Brittany Lawrence. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-0026

### **ACCEPTANCE OF RESIGNATION - RODGERS**

Commissioner Jacobs moved to accept the resignation of ASD (Ambulance Service District) Coordinator Jeff Rodgers. Commissioner Mendiola seconded and the motion passed unanimously.

### **JUSTICE OF THE PEACE PRO TEMPORE**

Commissioner Mendiola moved to approve Order GO-01-24 Appointing Justice of the Peace Pro Tempore for Malheur County Justice Court during the 2024 Calendar Year. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2024-0019

### **INVESTING FUNDS**

Commissioner Jacobs moved to approve Order GO-02-24: In the Matter of Investing Any Sinking Fund, Bond Fund or Surplus Funds. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-0020

### **AUTHORIZATION OF REFUNDS**

Commissioner Mendiola moved to approve Resolution R24-01: In the Matter of Authorization of Refunds by Tax Collector. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2024-0021

### **BUDGET OFFICER**

Commissioner Jacobs moved to appoint Administrative Officer Lorinda DuBois as Budget Officer for FY 2024-25. Commissioner Mendiola seconded and the motion passed unanimously.

### **INTERIM PLANNING DIRECTOR**

Commissioner Mendiola moved to appoint Tatiana Burgess as Interim Planning Director effective January 1, 2024 (contingent on salary compensation being successfully negotiated). Commissioner Jacobs seconded and the motion passed unanimously.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.