

MALHEUR COUNTY COURT MINUTES

June 11, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 10:00 a.m. 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 Economic and Community Development Coordinator Taylor Rembowski. Notice of the meeting was posted on the County website, Courthouse bulletin board and emailed to the Argus Observer and those persons who have requested notice. The agenda is recorded as instrument # 2025-1907

WARMSPRINGS IRRIGATION DISTRICT

Warm Springs Irrigation District Manager Kelly Bourasa met with the Court. Mr. Bourasa explained Warm Springs Irrigation District wants to convert a 1-mile section of the JH Canal from an open canal to a buried pipeline system. A project analysis study was done and now the project needs to be engineered. Mr. Bourasa requested a letter of support from the County Court for the pipeline project. This portion of the JH Canal has poor soils and has washed out three times in the last 15 years. Commissioner Jacobs expressed support for the pipeline project and moved to sign a letter of support for the project. Commissioner Mendiola seconded and the motion passed unanimously. Mr. Bourasa will work with Mr. Rembowski to draft a letter for the Court's review.

SUBDIVISION PLATS

Surveyor Derrick McKrola met with the Court and presented two subdivision plats for the Court's consideration.

Commissioner Jacobs moved to approve Wildwood Estates II Subdivision Plat, in the city of Vale. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-2189

Commissioner Mendiola moved to approve Baja Falls I Subdivision Plat, in the city of Nyssa. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2025-1918

MINUTES

Commissioner Mendiola moved to approve Court Minutes of June 4, 2025. Commissioner Jacobs seconded and the motion passed unanimously.

IGA #26018 AMENDMENT

Commissioner Jacobs moved to approve Ninth Amendment to Oregon Health Authority 2024-2025 Intergovernmental Agreement (IGA) for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services, Agreement # PO-44300-00026018. Commissioner Mendiola seconded and the motion passed unanimously. Funding for Invoice Services was removed. See instrument #2025-2169

STIF FORMULA GRANT AGREEMENT – ODOT

Commissioner Jacobs moved to approve Public Transportation Division Oregon Department of Transportation STIF Formula Program, Agreement No. 35853, State STIF. Commissioner Mendiola seconded and the motion passed unanimously. The agreement terminates June 30, 2027. This agreement replaces the agreement signed last week (June 4) as ODOT (Oregon Department of Transportation) made changes to the original document. See instrument #2025-2137

SUBAGREEMENT – MCOA&CS

Commissioner Jacobs moved to approve Sub-Agreement with Sub-Recipient Malheur Council on Aging and Community Services (MCOA&CS) to Provide Funding for the 2025-2027- STIF Plan Agreement No. 35853-State STIF. Commissioner Mendiola seconded and the motion passed unanimously. See instrument #2025-2147

IGA – MARION COUNTY

Commissioner Jacobs moved to approve Amendment 1 to JV-4774-22 the Intergovernmental Agreement between Marion County and Malheur County for Juvenile Detention services. The amendment extends the agreement to June 30, 2027. See instrument # 2025-1908

IGA #185822 - PUBLIC HEALTH SERVICES

Commissioner Mendiola moved to approve 2025-2027 Intergovernmental Agreement (IGA) for the Financing of Public Health Services, Agreement #185822. Commissioner Jacobs seconded and the motion passed unanimously. The IGA outlines the programs and services provided by the Health Department; the agreement expires June 30, 2027. A copy will be returned for recording.

AGREEMENT - DEPARTMENT OF REVENUE (DOR)

Commissioner Jacobs moved to approve Intergovernmental Services Agreement, Contract #15000-00049051 with Department of Revenue for map maintenance and related cartographic activities to be performed by Department of Revenue for Malheur County for fiscal year 2025/2026. Commissioner Mendiola seconded and the motion passed unanimously.

Judge Joyce closed the County Court session and opened the Ambulance Service District session.

AMBULANCE SERVICE DISTRICT (ASD) SESSION

The Court met as the governing body of the Ambulance Service District (ASD). Present were Shawn Logan, attorney for TVP (Treasure Valley Paramedics), County Counsel Stephanie Williams and Interim ASD Coordinator Rich Harriman. Mr. Harriman explained the following: On May 5, 2025 the ASD Advisory Board met for its annual request for reimbursement meeting. During this meeting, the outstanding balance that Treasure Valley Paramedics (TVP) owes Malheur County for dispatch service fees for the fiscal year 2023/2024 was discussed. TVP owes \$73,000 of the original \$100,000 for dispatch service fees for that year. Since the County purchase of a surplus ambulance from TVP in January 2025, against that balance owed, there was no further negotiation, conversation, or effort to pay any of the remaining balance, and the Advisory Board thought it was irresponsible to recommend any award of ASD tax funds to TVP when TVP still

owes the County a significant amount of money. A motion was made at that time that no ASD tax funds be recommended for TVP until negotiations were made with the County and a repayment plan was agreed upon. On May 13, 2025, TVP appealed the Advisory Board's decision to not recommend award of ASD tax funds to TVP; and the Advisory Board met again on May 29, 2025 to hear the TVP appeal. TVP's attorney, Shawn Logan, spoke on behalf of TVP at the appeal; Mr. Logan felt that the Advisory Board's decision not to fund any request by TVP for ASD tax funds based on their outstanding debt was capricious and arbitrary; and that the ASD tax funds were set up and intended to benefit the emergency medical providers of Malheur County and as TVP is the largest emergency medical provider, its request for funding should be considered. Additionally, Mr. Logan argued that there were no protocols or guidelines in the ASD funding formula that would direct the ASD board to exercise this kind of discretion. Advisory Board members had several questions for Mr. Logan and members of TVP that were present at that meeting; and despite comments and information provided, the Advisory Board was not moved to change its mind about recommending TVP's request and no motions were made to withdraw the previous motion or change the status of TVP's eligibility for ASD tax funds. The ASD Advisory Board recognizes that it is an advisory board designed to advise the ASD Board of Directors and County Court, and anything presented to either of those bodies are just recommendations based on its investigations and inquiries; the advisory board has no regulatory or decision-making authority and serves in an advisory capacity. The members of the ASD Advisory Board take their duties very seriously. During the requests for reimbursement meetings, the members review each and every line item of each request that is submitted by providers for legitimacy and proper use of county tax dollars; and while they may not be stewards of the county tax dollars, they offer the best advice for each of the requests based on their own experience and belief, and will not rubber stamp a request just because it is from a provider. The ASD Advisory Board views TVP's choice not to pay county government as mismanagement of taxpayers' funds, and do not believe it would be proper to reward TVP with more taxpayer funds at this time. However, because they are advisory, and with consideration of everything that Mr. Logan brought up in the appeal hearing, the Advisory Board opted to defer the fund or don't fund decision to the ASD Board of Directors itself. The ASD Advisory Board reviewed TVP's request for reimbursement application in its entirety (as was done with all the other applications); and if the ASD Board of Directors agrees to grant TVP's request for ASD tax funds, the Advisory Board recommends the following: Award \$28,829.91 from the Vehicle Replacement Fund for a rebuild of M4's engine; M4 is a first or second priority ambulance for TVP that will be in rotation for a long time to come if the engine is rebuilt and the ASD Advisory Board agreed that this was the most cost-effective option to keep an otherwise good ambulance in rotation. And, award \$39,249.42 from the Direct to Provider Funds: The Advisory Board agreed unanimously to fund 100% of item number one on the list – reimbursement for engine repairs on the second ambulance that have already been completed; 100% of item number two on the list – the cost of a reconditioned Zoll monitor; and 50% of item number three on the list – a Zoll ventilator. Heather Land assured the Advisory Board that TVP has equipment funds that will allow TVP to provide the other 50% cost of the Zoll ventilator. TVP representatives were encouraged to attend this County Court meeting in order to address ASD Board of Directors/County Court themselves and answer any questions there may be.

Mr. Logan explained that during the 23-24 fiscal year, Medicare/Medicaid funding was significantly delayed due to a breach in security; that issue has since been resolved.

Mr. Logan explained that he did not believe the ASD Advisory Board had all the facts concerning the dispatch fees debt – including that TVP had asked for debt forgiveness and that there was prior history with what TVP believed were discrepancies in the way the dispatch fees were calculated and a disagreement on the 911 user tax monies benefiting other agencies but not TVP.

Mr. Logan explained as he understood it, the County has not forgiven the 23-24 dispatch fees debt; the County is not attempting to collect the debt from a legal standpoint; invoices for the debt are sent and TVP acknowledges the debt and has every intention of paying the debt.

After the ASD Advisory Board met and recommended not funding TVP ASD monies was when Mr. Logan heard about a repayment plan. The proposed repayment plan requires TVP to pay \$8,111 every three months for the next two years; this schedule of payments would resolve the debt before the end of the current contract with TVP. This proposed repayment plan will be financially difficult for TVP; and TVP's request is that the \$73,000 owing be amortized over a five-year period of time (no interest). The five-year period will put it outside the contract term, and if for some reason the contract is not renewed, TVP would still owe the money and the County would have ways of collecting the money.

Mr. Logan explained that TVP is struggling; costs continue to increase. TVP changing from a non-profit to a for profit company is a complex matter but it was done essentially at the requirement of the State of Oregon; TVP would prefer to be a non-profit. TVP's primary function is to provide emergency care for the people of Malheur county.

In summary, Mr. Logan requested that the Court, acting as the governing body of the Ambulance Service District, approve the ASD Advisory Board's recommendations for funding for TVP as Mr. Harriman presented; and, acting as the County Court, approve a repayment plan of the dispatch fees debt of \$73,000 over a five-year period (which is approximately \$3,500 every three months).

Mr. Harriman clarified that the funding TVP requested from the Vehicle Replacement Fund (\$28,829.91) is for work that needs to be done on M4. The funding requested from the Provider Funds for the other ambulance is reimbursement; and the funding request to purchase two pieces of medical equipment is to purchase the equipment (has not been purchased yet). Additionally, three quarterly billings have been completed for dispatch service fees for the current fiscal year and TVP has paid one invoice.

Mr. Logan explained there is currently \$42,000 owed this fiscal year; TVP's accountant reviewed the billing documents as there were some discrepancies. TVP is prepared to pay those monies once the discrepancies are resolved and the repayment plan matter is resolved.

Commissioner Mendiola inquired if TVP is still collecting back Medicare/Medicaid payments. Mr. Logan will confirm with TVP and get the answer for Commissioner Mendiola. Ms. Williams noted that the Medicare/Medicaid payments remain the same for years – the payments do not increase as the cost to provide service increases.

Commissioner Mendiola moved to fund TVP ASD funds as recommended by the Advisory Board in the amount of \$39,249.42, subject to a repayment plan agreement for the back dispatch fees. Commissioner Jacobs seconded and the motion passed unanimously. The ASD funds will not be released to TVP until there is a payment plan executed between the County Court and TVP.

Judge Joyce closed the ASD session and reopened the County Court session.

PUBLIC COMMENTS

Judge Joyce asked for public comments. Mr. Rembowski said he received a phone call from Larry Teufel on Crowley Road; Mr. Teufel paid the mobilization costs for Kelly Johnson to move a D8 Cat into the area and thought that possibly the County might be interested in hiring Mr. Johnson to do some work with the Cat on Crowley Road.

COURT ADJOURNMENT

Commissioner Jacobs moved to adjourn the meeting. Commissioner Mendiola seconded and the motion passed unanimously.

*State of Oregon Intergovernmental Grant Agreement Number 186051 between Malheur County Fairgrounds and Oregon Department of Human Services, Office of Resilience and Emergency Management recorded as instrument # 2025-2008. Grant funds are for building improvements and equipment for a Resilience Hub, specifically purchase and installation of four commercial washer and dryer sets; and one diesel generator.