

MALHEUR COUNTY COURT MINUTES
October 18, 2023

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. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. 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 # 2023-2975

PUBLIC HEARING - OUTDOOR MASS GATHERING APPLICATION

A public hearing regarding an outdoor mass gathering application submitted by Steven Meland was held. Present for the public hearing were: Malheur County Planner/Environmental Health Director Eric Evans, County Counsel Stephanie Williams, Sheriff Travis Johnson, Undersheriff David Kesey, and Lieutenant Rich Harriman; Hotbox Farms/SNJ Online representatives Steven Meland, Brad Bartolome, Randi Bartolome, Tom Thompson; and Royals Truck and Diesel Repair representatives Royal Snyder, Diana Snyder, and Angie White. Notice of the hearing was published in the Argus Observer, posted in three public places in Ontario, posted on the Courthouse public bulletin board and posted on the County website.

Mr. Evans explained that an application was submitted by Steve Meland to hold an outdoor mass gathering on October 21, 2023 near Ontario. The event is a concert (the performer is Berner) and it is anticipated that approximately 3000 persons may attend; hours of the concert are 6:00 p.m. to 9:00 p.m. The event is slated to celebrate the grand opening of a dispensary business on neighboring property within the city limits of Ontario. (The concert will be held on property located outside the Ontario city limits.) Requirements for sanitation, fire protection, medical services, public safety, security, parking, traffic flow, and insurance are detailed in the draft permit; the permit caps attendance at 3000 persons and proposes a single entrance for cars and pedestrians. The terms and conditions in the permit were reviewed and discussed with those present. Several agency meetings regarding the mass gathering have been held. The applicant is required to obtain a letter from the Ontario Rural Fire Protection District fire chief that fire protection complies with laws and regulations and is satisfactory. Jose Sibrian has also signed the application and given written consent as his property will also be used for the gathering. Public safety plans and traffic plans are still being worked on. The applicant must also obtain a letter from the Sheriff that arrangements for security and the orderly flow of traffic complies with laws and regulations and is satisfactory. All terms and conditions must be met by the applicant and submitted to the County no later than 2:00 p.m. on Friday, October 20th. If all terms and conditions are satisfactorily met by 2:00 p.m. on Friday, October 20th, the permit will be issued by Judge Joyce. It was noted that the dispensary may not have a permit from OLCC (Oregon Liquor and Cannabis Commission) and the City of Ontario to open by Friday; Mr. Meland explained the concert event is not dependent on the dispensary license and it would still take place on October 21st. The City of Ontario

expressed to the County in previous conversation that they believed the event was contingent on the dispensary receiving its OLCC license and City license. The permit includes setup and take down for the event; it was agreed that the permit would be from 10:00 a.m. to 10:00 p.m.

Mr. Snyder expressed concern with traffic congestion that may affect his business operations. Mr. Snyder also offered his property for use by first responders. Lieutenant Harriman explained that event parking is to take place only in the event designated parking areas; no parking is to take place on private property or roadways/shoulders. Signage will be posted.

Undersheriff Kesey inquired if Mr. Meland would be contracting with Treasure Valley Paramedics (TVP) for services (as has been done for past concerts sponsored by Hotbox); TVP will be on standby near the event.

Ms. DuBois questioned what the traffic pattern would be. Sheriff Johnson, Undersheriff Kesey, and Lt. Harriman met at the site yesterday with the applicant the traffic pattern was established.

Judge Joyce asked for proponent testimony.

Steven Meland: My name is Steven Meland; I'm certainly a proponent and the applicant for the event. In my capacity as a business owner here in the community we also try to give back to the community and do fun community events for the community. It's something that we're doing absolutely no cost to the community; we're footing the bill for all this and so it's a really neat opportunity for the community to be able to experience events that they may not be able to. As you guys know, Malheur county is one of the poorest counties in the state. They don't always have the means or opportunity to have events of this stature and certainly not in their backyard; usually they have to travel an hour or more to go to something of this nature, so we try to bring it to them. We've had a lot of success with them. Our one incident over three events - our very first one we had somebody with a heat related issue; we now supply lots of water and things at those events to help mitigate that one issue that we've had. We find that not having alcohol at these events is something that is important to keep the peace as well. Typically adding alcohol into those things seems to get people more riled up and you know, just kind of in a frenzy to cause trouble. We feel that we're taking the right steps and we feel like we're coming from the right place on wanting to do the event. We stand for any questions that you have in relation to it and we certainly want to work with all the different departments to make sure we incorporate everybody's suggestions and we look to make sure that we can have better and better events as we go here and part of that is making sure that we do hear that advice and also incorporate it each time.

Undersheriff Kesey inquired if in past events there had been any issues with private property and drugs. Mr. Meland said that signs are always posted regarding no onsite consumption of marijuana but to say that there have never been any issues would be a lie; however there have not been any issues with other kinds of drugs being used onsite. Security personnel attempt to monitor and control on-site marijuana consumption.

Judge Joyce asked for opponent testimony.

Lorinda DuBois: I'm going to speak up because I do own property on Washington and I do have a huge concern; we have a lot of equipment and vehicles and that's my husband's business so I do have a big concern with the number of people.

It was asked if the DuBois property is fenced. Ms. DuBois replied that the property is fenced and they do have security cameras.

Lt. Harriman explained that an incident command system would be setup outside the perimeter of the event; and that extra law enforcement would be setup outside the perimeter.

Angie White said that part of Royal's is also fenced and has cameras.

Mr. Snyder said that trash is a problem. Mr. Meland explained that a crew will be out the following day canvassing the area and picking up any loose trash.

Written comments were received from Mike Stephens: I am NOT in favor of this. This area is not designed for large gatherings. No available parking. Emergency support services and traffic are unnecessarily negatively impacted. Noise, garbage on adjoining roads is unacceptable. Sincerely, Mike Stephens

Building Official Adele Schaffeld noted she had contacted the seven contractors in the event area to let them know about the upcoming event in order to give them time to secure their properties and ensure their security cameras were operational. The event is an industrial area and there is a lot of equipment in that area. Mr. Meland noted that at their past three events there have not been any issues with theft or damage to offsite properties.

Sheriff Johnson requested that any future events be planned with more advance notice. Events such as this require extensive manpower and planning and little advance notice was given for this event. Mr. Meland acknowledged this request and his understanding now that the County's application asks for at minimum 60 days' notice.

Judge Joyce closed the public hearing.

Commissioner Jacobs moved to authorize Judge Joyce to issue the outdoor mass gathering permit if all terms and conditions in the permit are met no later than 2:00 p.m. on Friday, October 20, 2023. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-3014 for the Findings, Terms, and Conditions - Issuance of Outdoor Mass Gathering Permit for October 21, 2023

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of October 11, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

FUND TRANSFER RESOLUTION

Commissioner Jacobs moved to approve Resolution No. R23-31: In the Matter of Fund Transfers Under Local Budget Law ORS (Oregon Revised Statutes) 294.463. Funds are transferred within the State Drug Court Fund budget. Commissioner Mendiola seconded and the motion passed unanimously. See instrument #2023-2976

EASTERN OREGON COUNTIES ASSOCIATION (EOCA) - DUES

Commissioner Jacobs moved to authorize payment of EOCA membership dues for fiscal year 2023/2024 in the amount of \$12,500. Commissioner Mendiola seconded and the motion passed unanimously.

CHECK REGISTER

Commissioner Jacobs moved to approve Accounts Payable register for September 2023. Commissioner Mendiola seconded and the motion passed unanimously.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.