

MALHEUR COUNTY COURT MINUTES
December 13, 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. 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. 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 # 2023-3499

MALHEUR WATERSHED COUNCIL

Meeting with the Court from Malheur Watershed Council were Executive Director Ken Diebel and Kelly Weideman. An annual written report was provided to the Court members. During the 2022-2023 period the Council received more than \$1,886,266 in outside funding with landowners contributing an additional \$1,343,457; 15 separate projects aimed at watershed improvement were worked on. \$2.5 million has been earmarked from Bureau of Reclamation for a piping project for the Vale Oregon Irrigation District (mostly piping the lateral canals in the Vale Bench area). Marvin Remple has retired from the Council's board; Warren Chamberlain replaced Mr. Remple on the board. Ron Jones moved to Idaho and is no longer on the board; Mark Carpenter replaced the position held by Mr. Jones. Irrigation infrastructure improvements continue to be a main goal of the Council, as well as additional projects such as juniper control and weed control. Mr. Diebel and Ms. Weideman answered questions from the Court members. See instrument # 2023-3502 for the written report.

ENVIRONMENTAL HEALTH - DRINKING WATER PROGRAM

Planner/Environmental Health Director Eric Evans and Environmental Health Specialist Evan Magner met with the Court. Mr. Evans explained that the Environmental Health department runs part of the State's drinking water program. The only facilities that the County oversees are the facilities that Environmental Health licenses through the Oregon Health Authority (licensed restaurants, hotels, RV parks). The revenue received from the State to oversee the program is minimal - about \$553 per month. The workload the program requires is quite extensive. Mr. Evans proposed the County terminate the drinking water program with the State effective July 1, 2024. Mr. Evans has had conversation with Oregon Health Authority and they are agreeable to the County terminating the program; the State already has staff that administers other parts of the program in Malheur county. After discussion, Commissioner Jacobs moved to proceed with terminating the program with Oregon Health Authority. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-3501 for the termination letter.

Treasurer/Tax Collector Jennifer Forsyth joined the meeting.

CROSSING PERMIT

Commissioner Jacobs moved to approve Crossing Permit #37-23 to Idaho Power Company for installation of two poles and transformers on Frontier Lane #873. Commissioner Mendiola seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of December 6, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

ONE-TIME PAYMENT TO COUNTY EMPLOYEES

The Court again discussed possible authorizing a one-time payment to County employees. The payment would be made through a budget transfer from unappropriated cash on hand to the employee recognition line-item. Ms. DuBois noted she received a proposal from HR Answers to conduct a compensation classification study. The one-time payment (employee recognition) is something that can be done while the County works on the compensation matter. The County needs to be competitive in order to recruit and retain employees; however, the numbers also need to be sustainable - the County has a good history of not having to do layoffs or furloughs. After discussion, Commissioner Jacobs moved to authorize a one-time payment to County employees of \$1,800 through the January payroll process (pro-rated based on FTE (Full Time Equivalent) and calendar months employed in 2023). Commissioner Mendiola seconded and the motion passed unanimously.

PAID LEAVE OREGON POLICY

Commissioner Jacobs moved to approve County Policy 325 - Paid Leave Oregon. Commissioner Mendiola seconded and the motion passed unanimously. This is a new County policy; the County will comply with the provisions of the Paid Family and Medical Leave Insurance (Paid Leave Oregon) administered by the Oregon Employment Department. See instrument # 2023-3508

EMPLOYMENT AGREEMENTS - PERS RETIREES

Commissioner Jacobs moved to approve the following employment agreements: Maintenance Supervisor - employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Don Dalton; Lieutenant Malheur County Sheriff's Office - employment of PERS retiree Employment Agreement with Richard Harriman; Equipment Operator / Malheur County Road Department - employment of PERS retiree Employment Agreement with James "Jim" Skerjanec; and Accounting Specialist / Malheur County Road Department - employment of PERS retiree Employment Agreement with Shelly Dennis. Commissioner Mendiola seconded and the motion passed unanimously. See instrument #'s 2023-3504, 2023-3505, 2023-3503, 2023-3506

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Supplemental Budget Resolution R23-34: In the Matter of Fiscal Year 2023/2024 Supplemental Budget by Resolution Under Local Budget Law ORS (Oregon Revised Statute) 294.471. Commissioner Mendiola seconded and the motion passed

unanimously. The purpose of the supplemental budget is to allocate additional JCP (Juvenile Crime Prevention) Basic and Prevention funds that were not anticipated when the budget was adopted - these funds are to be used for activities allowed under the grant. See instrument # 2023-3500

AMENDMENT - IGA #180022

Commissioner Jacobs moved to approve Fifth Amendment to Oregon Health Authority 2023-2025 Intergovernmental Agreement for the Financing of Public Health Services, Agreement # 180022. Commissioner Mendiola seconded and the motion passed unanimously. Funding is added to Program Element 42-13 and Program Element 43-05. See Instrument #2023-3581

VECTOR CONTROL BOARD

Commissioner Jacobs moved to reappoint Ray Waldo to the Vector Control Board of Trustees. Commissioner Mendiola seconded and the motion passed unanimously.

EMPLOYMENT AGREEMENT - NEW

Commissioner Jacobs moved to approve Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Charlotte New. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-3507

TAX OFFICE TAX FORECLOSED PROPERTY AND DISPOSITION POLICY

County Counsel Stephanie Williams reviewed the Tax Office Tax Foreclosed Property and Disposition Policy. In 2023 there was a US Supreme Court opinion in the Tyler v. Hennepin case that indicated that the practice of a government retaining surplus proceeds without providing an adequate means for the property owners to recover surplus proceeds is a taking. Since that case, several state and federal court cases have been filed against county tax collectors regarding keeping proceeds on tax foreclosed properties in excess of the back taxes, maintenance, fees and costs. The legislature was going to fix Oregon statutes and that did not happen in the last session. There is currently a law suit that may lead to a class action lawsuit against all 36 Oregon counties. The County's needs to update its policy to ensure that it honors the US Supreme Court opinion. The policy provides a method of notice of right to claim surplus proceeds and an application for surplus proceeds. Commissioner Jacobs moved to adopt the Malheur County Tax Office Tax Foreclosed Property and Disposition Policy. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-3509

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

** Vale School District #84 signed the Eastern Oregon Border Fund Intergovernmental Agreement on September 13, 2023. The agreement with Eastern Oregon Border Economic Development Board, cities of Ontario, Nyssa, and Vale, Malheur County, Ontario Library District, Ontario Recreation District, Malheur Education Service District, Vector Control District, Treasure Valley

Community College, Nyssa School District, Malheur County Agricultural Educational Service District, Ontario School District, Hilltop Memorial Cemetery District, Adrian School District, Malheur Memorial Health District, Ontario Rural Road Assessment District, Nyssa Rural Road Assessment District, Ontario Rural Fire Protection District, Nyssa Rural Fire Protection District, and Adrian Rural Fire Protection District. The IGA (Intergovernmental Agreement) was rerecorded to include the signature page for Vale School District as instrument # 2023-3552 (The original recording number of the IGA was 2021-4553)

** JRP-23-20 Grant Agreement, Criminal Justice Commission, Justice Reinvestment Program is recorded as instrument # 2023-3633. The agreement expires March 31, 2026 and is through Community Corrections.