

## MALHEUR COUNTY COURT MINUTES

August 1, 2018

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois. County Counsel Stephanie Williams also joined the meeting shortly after it started.

Also present was Larry Meyer of the Argus Observer.

### **IRONSIDE ROAD DISTRICT**

Karen Wolfe met with the Court to voice problems she has been having with the condition of roads in the Ironside Road District boundaries. Also present for the discussion were: County Surveyor/Engineer Tom Edwards, County Road Supervisor David Tiffany, Ironside Road District Board Member Dwight Ramer, Ironside Road Supervisor Dona Sperl, and Kenny Miller.

Ms. Wolfe explained that her road (Rose Creek Road) has not been bladed for two years; additionally there has been a water spout and the road is a mess. Ms. Wolfe shared photos of the road with the Court members. Ms. Wolfe said she has cut trees out of the road; her home is on Rose Creek Road and she does not feel that the road district or anyone else should control when she can access her residence or when she should leave her residence. Ms. Wolfe does not ask that her road be bladed in the winter; she will leave her home when the road is too bad for her to enter/exit her residence. Earlier this year she had a doctor's appointment to attend and she could not get up the Lost Creek grade in her vehicle; previously she had to be in 4-wheel drive to traverse the grade. Last fall she could not transport her cows out because of the grade and the Lost Creek grade. Ms. Wolfe has requested gravel for the road and been told that the District cannot get gravel; she has offered gravel. Ms. Wolfe explained that others in the area are also having problems, several were going to attend today's meeting but they did not. Ms. Wolfe said that currently there are 10 foot thistles along the road; also it took two months to get a culvert installed. The road has been bladed twice up to the Greenbank residence, but no further, this year; and a tree was removed from the Bridge Creek Road. A cattle guard needed to be fixed last year and it was not fixed until this spring. Last fall, Ms. Wolfe had to trail cattle to Belknap's due to the grade and the Lost Creek grade; the rest of the road was fine but the two grades you could not travel up or down. Ms. Wolfe requested the court members travel the road and then compare it to roads within the Juntura Road District. The culvert at Bridge Creek took two months to be put in last year; Ms. Wolfe lost over \$6,000 because she could not haul cattle into the area and then when she did get the cattle in she had to unload them at the holdout and drive them an additional 3-4 miles. Ms. Wolfe has lived and traveled the road her entire life (72 years) and in the last two years the road has been in the worst condition it has ever been. The airport has not been bladed; but it was always bladed the previous 30 years when Butler's owned it (it is a registered airport and available for fire suppression efforts and emergency landing situations). Ms. Wolfe did attend three board meetings of the District; one was cancelled as there was not a quorum. Ms. Wolfe voiced concerns that it takes 45-60 minutes to travel 20 miles; no gravel has been placed on the road since Steve Miner worked for the District; culverts are not cleaned correctly; and since the Irish Spring Fire the road is lower than the cut and the creek needs to be

cleaned out. Ms. Wolfe's residence is within the boundary of the Juntura Road District and she does not know why as she believes it used to be within the Ironside Road District boundary; but as such she is not able to vote on matters concerning the Ironside Road District.

Mr. Ramer explained he is new to the Ironside Road District Board (less than one year) and is unfamiliar with the issues at hand; he did recently go and look at the road and it has had some water damage and is not as good as some roads; he did not have any problem traveling it but agreed that it does need some work. Ms. Wolfe said that traveling in a car is not a problem; but you cannot haul a trailer or take cattle trucks on the road. Mr. Ramer also explained that a second employee has been hired and the district will do the best that they can with maintenance of the roads. The board meets the second Tuesday at 5:00 p.m. each month.

Ms. Wolfe said she has gravel available at the crossing that could be put on the road; Ms. Sperl later explained that the gravel would require a ripper or excavator and the district has neither. Ms. Wolfe said she will be making a request in writing to the board for their meeting minutes and expense sheets; she will also try to determine why she is no longer a voting member of the Ironside Road District. Commissioner Wilson attempted to explain that voting is determined by a person's physical residence - not the location of the property you own.

Ms. Sperl explained she has 150 miles of road to maintain and until last May she had no other help; also moisture conditions must be taken into consideration when working on the roads.

Commissioner Wilson and Commissioner Hodge agreed they would try to schedule a time to go and look at the road and the issues discussed; and possibly meet with the board.

### **MCOA&CS**

Malheur Council on Aging & Community Services (MCOA&CS) Executive Director Loni Debban met with the Court. Also present was Deputy Director April MacKenzie, Transportation Manager Brittany Young, and ODOT Regional Manager Frank Thomas. Ms. Debban explained the background behind ODOT Grant Agreement #32837; this is a planning grant that Ms. Debban applied for and received. However, because the grant funding is federal monies it cannot be award directly to a non-profit (non-profits were eligible to apply for the grant though). Ms. Debban is requesting that Malheur County sign and receive the grant award and pass it through to MCOA&CS. The project is to purchase additional land adjacent to MCOA&CS and expand the bus shelter. The grant funding is \$62,400 and would be used for the down payment on the property and other associated expenses. As it is federal money the County would need to own the land. The land is owned by Mike Hanigan and the purchase price is \$150,000 and Mr. Hanigan will pay for various expenses related to the sale such as a property-line adjustment. Discussion entailed regarding terms and conditions of deed restrictions and whether or not MCOA&CS would be a joint owner or not of the land and/or bus barn structure. Further information will be obtained and Ms. Debban will follow-up with the Court on August 15.

Ms. Debban also updated the Court on the public transit funding rules for STIF (Special Transportation Improvement Fund) which is a new program under House Bill 2017. The Court will need to appoint a Local STIF Advisory Committee; these members can be the same members as the current STF (Special Transportation Fund) Advisory Committee. The Local

STIF committee will develop bylaws, review and prioritize project proposals, oversee development of a STIF Plan, and make recommendations for funding; the Local STIF Plan needs to be submitted to ODOT by November 1, 2018. It is anticipated that \$158,000 will be available to Malheur County in Fiscal Year 2019; the funds are to be used for public transportation purposes. Senator Bentz has requested MCOA&CS connect with the workforce in the Nampa-Caldwell area as well as Weiser and Payette; it is believed that there is workforce in these areas that could be brought into the County to benefit local employers. MCOA&CS will also look at transportation needs for students from local high schools to TVCC for college classes. Ms. Debban requested approval with moving forward to begin the STIF process. (The membership of the STIF Advisory Committee can be the same as the current STF Advisory Committee; the committee is appointed by the County Court and reports to the County Court.) Commissioner Hodge moved to authorize Ms. Debban to move forward with the STIF process and form the local committee, based on the STF committee. Commissioner Wilson seconded and the motion passed unanimously.

### **UNCOLLECTIBLE PERSONAL PROPERTY TAXES**

Commissioner Hodge moved to approve Order GO-11-18: In the matter of Uncollectible Taxes on Personal Property Situated within Malheur County and the Cancellation Thereof. Commissioner Wilson seconded and the motion passed unanimously. One account was cancelled, consisting of an abandoned manufactured home; total charge off is \$51.43. See instrument #[2018-2859](#)

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of July 18, 2018 as written. Commissioner Wilson seconded and the motion passed unanimously.

### **FUND TRANSFER RESOLUTION**

Commissioner Wilson moved to approve Resolution No. R18-17: In the Matter of Fund Transfers under Local Budget Law ORS 294.463. Commissioner Hodge seconded and the motion passed unanimously. The resolution accounts for end of the 2017-2018 fiscal year necessary budget transfers. See instrument #[2018-2860](#)

### **WOLF DEPREDATION GRANT - AMENDMENT**

Commissioner Hodge moved to approve Amendment Number 1 to State of Oregon Grant Agreement Number ODA-4078-18 with Department of Agriculture. Commissioner Wilson seconded and the motion passed unanimously. Additional grant funds were allocated in the amount of \$1,200 for compensation for nonlethal prevention techniques regarding livestock-wolf interaction. A copy will be returned for recording.

County Court was closed and the Ambulance Service District (ASD) session was opened.

### **FUND TRANSFER RESOLUTION**

Commissioner Hodge moved to approve Resolution No. R18-18: In the Matter of Fund Transfers under Local Budget Law ORS 294.463. Commissioner Wilson seconded and the motion passed unanimously. The resolution accounts for end of the 2017-2018 fiscal year necessary budget transfers. See instrument #[2018-2861](#)

The ASD Session was closed and County Court was reopened.

**AMENDMENT - IGA #154122**

Commissioner Wilson moved to approve Ninth Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement for the Financing of Public Health Services Agreement #154122. Commissioner Hodge seconded and the motion passed unanimously. Program Element 03 Tuberculosis Case Management funding was removed as it was changed to a fee for service model. A copy will be returned for recording.

County Court was closed and the Extension Service District session was opened.

**FUND TRANSFER RESOLUTION**

Commissioner Wilson moved to approve Resolution No. R18-19: In the Matter of Fund Transfers under Local Budget Law ORS 294.463. Commissioner Hodge seconded and the motion passed unanimously. The resolution accounts for end of the 2017-2018 fiscal year necessary budget transfers. See instrument #[2018-2862](#)

The Extension Service District session was closed and County Court was reopened.

**SPACE LEASE AGREEMENT - OSU**

Ms. Williams explained that the space use agreement with Oregon State University (OSU) is up and OSU is proposing a ten year lease. (This is for the building that the Extension Service is housed in.) Ms. Williams reviewed the lease proposal and various provisions that have been changed. Consensus of the Court was to authorize Ms. Williams to respond back to OSU with a two year lease, a mutual indemnification provision, and that the County is not obligated for funds beyond what is appropriated annually.

**PLANNING DIRECTOR**

The Court discussed performance measures for the new Planning Director. Commissioner Hodge said he wants the Director and Assistant Director to get all the education the Court can get them. Commissioner Wilson said he visited with Economic Development Director Greg Smith, Morrow County Planner Carla McLane, Shannon Springer and Hillary McNary from Grant County Planning Department. Grant County Court directed their Planning Department to help people with property rights and to help people do what they want to do with their property within the confines of the law; creating as much flexibility as possible while still staying within the limits of the law. It was also suggested that the Planner develop a work plan for themselves and the office to include updating the codes with the guidance of the Court. Commissioner Wilson stressed he wants Economic Development and Planning to work together with the same goals in mind and assist each other. Additionally, the Planning Director and Assistant Planner should be involved in the Association of Oregon Counties (AOC) Planning Directors group and attend meetings hosted jointly by DLCD (Department of Land Conservation and Development) and OAPA (Oregon Chapter of the American Planning Association). (Both the Director and Assistant are not to attend the same meeting; they will need to alternate.) The Planner should also develop a relationship with DLCD Eastern Region Representative Phil Stenback; job shadow an eastern Oregon Planning Director, become familiar with various publications and websites related to Planning; provide monthly updates to the County Court; and a two-year

probationary period. Commissioner Hodge suggested quarterly employee evaluations also. Judge Joyce said he would like the comprehensive plan and county code to be updated; Ms. Williams explained it may be necessary to hire a consultant to assist with the technical aspects of this process. Commissioner Wilson asked about salary; Ms. DuBois explained that if a current County employee were offered the position, the salary would be the step above their current salary that would give them a promotion. Commissioner Wilson expressed concern with fees being charged for services in the department; it was explained that the fees do not supplement staff salaries rather the fees assist with the costs of legal publications, mailings, copies, etc.

The Court members said they were all in agreement with the expectations discussed for the Planning Director.

Commissioner Wilson moved to offer the position to the number one candidate, subject to the agreed upon expectations and provisions discussed, to include a probationary period of two years, monthly reports to the Court, and evaluations by the Court. Commissioner Hodge seconded and the motion passed unanimously.

#### **COURT ADJOURNMENT**

The meeting was adjourned.