

MALHEUR COUNTY COURT MINUTES
JANUARY 27, 2016

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams.

Also present was Larry Meyer of the Argus Observer and John Braese of the Malheur Enterprise.

BROGAN PROPERTY

Road Supervisor Richard Moulton met with the Court regarding the recently purchased Brogan property (gravel pit). The home on the property is ready to rent; the repairs are completed and Ms. Williams has drafted a lease agreement. The area to be rented includes the manufactured structure and approximately two acres. Ms. Williams briefly outlined the terms of the lease agreement. Mr. Moulton will advertise the property in the newspaper next week.

MCOA&CS

Malheur Council on Aging & Community Services (MCOA&CS) Executive Director Loni Debban met with the Court. Ms. Debban presented a grant agreement with Department of Veterans' Affairs for the Court's consideration. Commissioner Hodge moved to approve State of Oregon, Oregon Department of Veterans' Affairs, Transportation of Veterans in Highly Rural Areas Grant Agreement - Malheur County. Commissioner Wilson seconded and the motion passed unanimously. The grant award is \$45,000 and expires September 2016. A copy will be returned for recording.

Ms. Debban also requested approval of the 2016 Civil Rights Program Title VI Plan; the document is required in order for the County to be eligible for federal transportation funds. ODOT (Oregon Department of Transportation) has approved the Plan as has the MCOA&CS Executive Board and the STF (Special Transportation Fund) Advisory Committee. Ms. Debban noted that EOCIL (Eastern Oregon Center Independent Living) had requested further clarification on the process within the Plan and she will include additional information for EOCIL when the Plan is disseminated. Ms. Debban noted that there will also need to be a link from the County's website to MCOA&CS website accessing the plan. Commissioner Hodge moved to approve the 2016 Civil Rights Program Title VI Plan. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2016-0324](#)

Ms. Debban also read the following Public Notice: STF Discretionary Grant Program. The Malheur County Special Transportation (STF) Advisory Committee is eligible to submit application for STF discretionary funds and invites effective public participation in the project decision making process of February 18, 2016 at 1:30 pm, in the conference room at Malheur Council on Aging & Community Services, 842 SE First Avenue, Ontario, Oregon. Only STF agencies are eligible to submit an application for STF discretionary funds. This program is highly competitive. Eligible transportation providers are invited to submit a project proposal application to the Malheur County STF Advisory Committee for review. The application is due by email to loni.debban@mcoacs.org by 4:00 pm MST February 15, 2016. Application Information is available at: <http://www.oregon.gov/ODOT/PT/Pages/news.aspx>.

The STF discretionary funds applications are due to ODOT by March 11, 2016; funding available for Region 5 is \$313,000. In Region 5, each STF Committee can complete two applications. There is a possibility of 20 applications that could be submitted for Region 5. (Region 5 includes, Baker, Burns Paiute Tribe, Confederate Tribes of Umatilla Indian Reservation, Grant County Transportation District, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties.

Ms. Debban also explained that at the recent STF Advisory Committee it was recommended to update the Transportation Coordinated Plan to include as a priority the use of technology - GPS, WIFI, Odometer readings, and pre-trip programming in vehicles. The STF Advisory Committee requests and recommends that the Court approve the addition as a priority the use of technology. Commissioner Wilson moved to approve the addition of the technology component as a priority use in the Transportation Coordinated Plan. Commissioner Hodge seconded and the motion passed unanimously.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of January 20, 2016 as written. Commissioner Wilson seconded and the motion passed unanimously.

CANYONLANDS ADVISORY VOTE - CAMPAIGN TO VOTE

Commissioner Wilson advised the citizens committee is still meeting and considering possible options for encouraging people to vote in the March election on the Canyonlands advisory vote measure. A public affairs company has been hired by the committee to assist in the efforts against the Owyhee Canyonlands Monument Proposal.

Ms. Williams suggested the County Court publish a fact sheet in the local newspapers. Secretary of State will review the document and provide a safe harbor that it does not violate any political financing or activity laws. Ms. Williams reminded the Court members that they can, as individuals, advocate for a specific vote, including letter writing and speaking engagements. The campaign activities as a County Court must be factual and neutral.

VECTOR CONTROL DISTRICT

Vector Control District Board Trustees Ray Huff, Terry Oft and Kelly Peterson met with the Court. Also present was District Manager Gary Page. It was explained that at the Board's recent meeting a list of issues concerning the proposed Canyonlands Monument was discussed and the Board felt that the issues and concerns should be discussed with the Court. Mr. Huff explained that the district activities and budget are driven by the presence or absence of West Nile Virus as established in mosquito trapping and testing activity. The district attempts to allow control efforts which protect the most patrons of the district. Approximately 45,000 acres of private land is included in the proposed Owyhee Canyonlands Monument. The land is currently in the taxing district boundaries and may expect some form of effort related to district activities as operations would indicate. The inclusion of these lands in the preservation program may become problematic to district activities for the following reasons:

1. Access to private lands for control activities should be expected to be disallowed in some cases.
2. Federal rules regulating formulations and application methods may result in inability to be in compliance with said rules and still deliver effective treatment formulations or using appropriate methods.
3. Budgeting which directly controls the scope and type of treatment is expected to become an increased challenge because of expectations of the patrons on reserve lands. We also expect to have to modify some of our treatment programs to attempt to control other species of mosquitoes related to "Zica" virus that is advancing rapidly to the north on the North America continent. We expected to get "doubled down" by the need to protect for this new hazard.
4. The patrons and protectors of the reserve area are well known for filing lawsuits, both individually and collectively, whether frivolous or otherwise, for any excuse. Supposedly being sickened and damaged by WNV (West Nile Virus) and Zica because of exposure during a visit to the area is easily made into claims which require some legal response just because individuals were present at an access point.
5. If we are mandated to provide service to private property, inside the boundaries of the reserve, because the taxpayer is entitled to be served, does the controlling federal entity of the reserve then expect similar service?
6. Do we try to partner up with the agency and negotiate sufficient funding from them to attempt control of mosquito populations throughout the proposed reserve?
7. Because the private ownership taxpayer is entitled to some level of service, can we after proper procedure, delete the owner from the district so that he will not receive a tax bill or service from the vector district?
8. Can we require a disclaimer notice on all literature related to Canyonlands Operation that vectors are present and patrons are present at their own risk?
9. Should we shift all private property within the proposed area out of the district and cease any operations within the proposed reserve?

Ms. Williams explained that the district does have discretionary immunity as it is a governmental entity or body; and there is also recreational immunity. Ms. Williams said she would research the statutes for withdrawing a territory from the district boundaries. Ms. Williams will research the matter further and follow-up with Mr. Page on possible options to consider. Consensus of the Court was that the best avenue may be to withdraw the private lands within the proposed monument boundaries from district (in the event that a monument is designated). Commissioner Wilson offered to speak at the Vector District's next meeting and provide further information on the Owyhee Canyonlands Monument proposal.

USBGN - NAME CHANGES

Dr. Dorin Daniels met with the Court regarding recent approval by the U.S. Board on Geographic Names (USBGN) to change the names of several features in Malheur County and Harney County. Names changed in Malheur County are:

Squaw Flat is now: aa-Tiipi Flat

North Fork Squaw Creek Reservoir is now: Ha-ng isa Reservoir

North Fork Squaw Creek is now: Hu Tsi Tehaga Creek

Squaw Creek Spring is now: Kwii-na-a Spring

Mustang Reservoir, Squaw Flat Reservoir is now: Pisa Paa Ta Tsi Tsa-da Reservoir

Squaw Creek Spring (different legal description than the other listed above) is now: Sai-be Spring

Squaw Butte is now: Táxšpa Butte

Squaw Flat (different legal description than the other listed above) is now: Tuu-Tiipi Flat

Squaw Creek is now: Yapaa Creek

Dr. Daniels presented the Court with written correspondence from the Malheur County Historical Society detailing its objection to the name changes and explaining that the name changes are in violation of many of the US Board on Geographic Names own policies and guidelines. For the complete letter see instrument # [2016-0276](#)

The County Court submitted comments to USBGN in 2012 objecting to the proposed name changes and requested USBGN decline the proposed change in names. Malheur County Historical Society has repeatedly objected to the name changes.

The Court discussed the matter with Dr. Daniels. Commissioner Wilson moved that the Court again submit written correspondence to USBGN, Senator Wyden, Senator Merkley, and Representative Walden, objecting to the name changes and requesting that the changes be retracted or amended. The Court's correspondence will also include the correspondence from the Malheur County Historical Society referenced above. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2016-0276](#)

COUNTY LAND SALE

Treasurer Jennifer Forsyth met with the Court and presented a list of foreclosure properties for the 2016 County Land Sale. A date for the sale has not been set yet. The Court will review the properties and Ms. Forsyth will prepare an Order for sale of the properties for the Court's approval at a later date.

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(d) Labor Negotiator Consultations with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during or following the session.

COURT ADJOURNMENT

Court was adjourned.