

MALHEUR COUNTY COURT MINUTES
January 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. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Staff present 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 # 2023-0169

PIONEER HEALTH DISTRICT

Pioneer Nursing Home Health District (aka Pioneer Place) Board of Directors Dennis Buttice, Karlene Keller, John Nalivka and staff members Chelsey Ross and Lexi Browning met with the Court. Mr. Buttice explained they were following up on their request for additional funding (\$300,000) from the County's ARPA (American Rescue Plan Act) funding. The District is somewhat deadlocked on how many residents they can house due to staffing shortages; over half of their workforce has been lost and the facility is relying on agency staffing, which is costly. (The skilled nursing is currently capped at 21 residents due to staffing.) The State "Bed Tax" the District pays is \$150,000 - \$200,000 a year. Commissioner Jacobs explained the County has received numerous requests for funding and is currently working to determine what projects to fund. No decision on the funding for Pioneer Place was made.

RECYCLING MODERNIZATION ACT - SURVEY

Planner/Interim Environmental Health Director Eric Evans met with the Court. Mr. Evans explained that Oregon passed the Recycling Modernization Act (2021) which will update Oregon's recycling system. The law requires producers of covered products (packaging, food service ware, and others) pay fees for covered products to a non-profit group called a Producer Responsibility Organization (PRO). Fees collected by the PRO will be used for improving Oregon's recycling system and local governments will be eligible for funding to expand recycling efforts in their jurisdictions. The County will need to work with its collectors to expand recycling efforts as funding will not be provided directly to the collectors. The Local Government Needs Assessment must be completed in order to be eligible for any funding from the PRO. After discussion, Commissioner Jacobs moved to authorize Mr. Evans to work with the collectors and municipalities and complete the Needs Assessment on behalf of Malheur County. Commissioner Mendiola seconded and the motion passed unanimously.

CROSSING PERMIT

Commissioner Jacobs moved to approve Crossing Permit #01-23 to Idaho Power Company for work on Owyhee Avenue #1036 and Owyhee Lake Road #846. Commissioner Mendiola seconded and the motion passed unanimously.

COURT MINUTES

Judge Joyce moved to approve Court Minutes of January 11, 2023 as written. Commissioner Mendiola seconded and the motion passed. (Commissioner Jacobs was not present on January 11, 2023.)

SPECIAL MEETING MINUTES

Commissioner Jacobs moved to approve Special Meeting Minutes of January 9, 2023 (Move Oregon Border Meeting) as written. Commissioner Mendiola seconded and the motion passed unanimously.

CHECK REGISTER

Judge Joyce moved to approve Accounts Payable register for December 2022. Commissioner Jacobs seconded and the motion passed unanimously.

IGA #173143 - AMENDMENT

Commissioner Jacobs moved to approve Sixth Amendment to Oregon Health Authority 2022 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services Agreement #173143. Commissioner Mendiola seconded and the motion passed unanimously. The Agreement is extended through June 30, 2023; MHS 25 (Mental Health Services) is amended; and the financial assistance award is amended. See instrument # 2023-0170

OREGON OUTBACK DARK SKY NETWORK

Sammy Castonguay met with the Court and provided additional information on the Oregon Outback Dark Sky Network efforts to secure a "Sanctuary" level designation for the SE Oregon Dark Sky encompassing Lake, Harney and Malheur counties. The effort, internationally, is to preserve dark skies from light pollution. February 17, 2023 at Four Rivers Cultural Center will be a documentary presentation about preserving night skies and combating light pollution - Saving the Dark. The goal is a sanctuary in which public lighting (BLM (Bureau of Land Management), ODOT (Oregon Department of Transportation), State Parks, etc.) in the middle of the dark install shielded lighting within the next 10 years. (The light does not escape up into space and is used down on the ground where it is needed.) Judge Joyce suggested the Mountain Home air base be solicited for their input as they use the area for training. Mr. Castonguay encouraged the Court members to attend the documentary presentation on February 17th and be involved with the Network effort; he will also forward additional draft documents regarding the effort.

SHERIFF'S OFFICE DOUBLE OVERTIME PROPOSAL

The Court and Ms. DuBois discussed the proposal to authorize double overtime for the jail and dispatch center. (Lt. Harriman presented the proposal December 21, 2022 to the Court.) Ms. DuBois explained she was not supportive of the proposal for various reasons and instead would like to consider a bonus of some sort. Commissioner Jacobs expressed he felt like the County needed to do something for the staff that is, and has been, working excessive overtime hours in the jail and dispatch center.

EMPLOYMENT AGREEMENT - ALLEN

Commissioner Jacobs moved to approve Temporary Employment Agreement Dispatcher - Malheur County Sheriff's Office with Brooke Allen. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-171

County Counsel Stephanie Williams joined the meeting.

ECONOMIC DEVELOPMENT DIRECTOR VACANCY

Ms. Williams visited with the Court about the Economic Development Department; the department has not been staffed since July 2022. A plan needs to be formulated for the future of the department including staffing and office space.

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660 (2)(e) Real Property Transactions with Judge Joyce presiding and Commissioner Jacobs and Commissioner Mendiola present. Also present were County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during or following the session.

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(h) Legal Counsel with Judge Joyce presiding and Commissioner Jacobs and Commissioner Mendiola present. Also present were County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during or following the session.

COURT ADJOURNMENT

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