

## **MALHEUR COUNTY COURT MINUTES**

**January 23, 2019**

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, Ontario High School Senior Kara Dwyer (who was job shadowing Ms. Williams), and the following members of the Ontario Area Chamber Networking & Leadership Program: Matt Turner, John Braese, Renee Smith, Peter Hakett, Ryan Reeser, Jeremy Skousen, Christy Tanner, Callie Schram, Dina Ellwanger, Sharon Welch, Heather Haueter, JD Sater, and Executive Director John Breidenbach.

Judge Joyce opened the meeting and welcomed the Ontario Area Chamber Networking & Leadership Program participants. Mr. Breidenbach briefly explained this was Government Day for the Program and asked the participants to introduce themselves.

### **PLANNING DEPARTMENT**

Planner Eric Evans met with the Court and requested approval of the final draft of the Planning Department Management Assistant job description. The Court members indicated they had reviewed the job description. Commissioner Hodge moved to approve the job description as presented. Commissioner Wilson seconded and the motion passed unanimously.

### **COURT MINUTES**

Commissioner Wilson moved to approve Court Minutes of January 16, 2019 as written. Commissioner Hodge seconded and the motion passed unanimously.

### **SPECIAL MEETING MINUTES**

Commissioner Wilson moved to approve Special Meeting Minutes of December 11, 2018 as written. Commissioner Hodge seconded and the motion passed unanimously.

### **CHECK REGISTER**

Commissioner Hodge moved to approve the Accounts Payable book for October, November, and December 2018. Commissioner Wilson seconded and the motion passed unanimously.

### **CROSSING PERMIT**

Commissioner Hodge moved to approve Crossing Permit #01-19 to Idaho Power Company to replace a regulator on Owyhee Lake Road #846. Commissioner Wilson seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

### **QUITCLAIM DEED - MARTIN**

Commissioner Hodge moved to approve Quitclaim Deed to Martin and Lyn Clark for Ref. #9913. Commissioner Wilson seconded and the motion passed unanimously. This is a buy-back as the property was foreclosed on by the County for non-payment of property taxes. See instrument #[2019-0344](#)

## **LEADERSHIP GROUP**

The Court members briefly gave an overview of their positions and answered questions from the leadership group participants.

## **OWYHEE LAKE STATE PARK**

Meeting with the Court from Oregon State Parks were Management Unit Manager Jim Hutton, Eastern District Manager Matt Rippee and Lake Owyhee State Park - Park Ranger Supervisor Aaron Raines. Also present was Sheriff Brian Wolfe and Undersheriff Travis Johnson. Mr. Hutton introduced Mr. Rippee and Mr. Raines to the Court members. OHV (Off-Highway Vehicle) use at Lake Owyhee State Park was discussed. Mr. Hutton explained that State Parks in general does not allow OHV's on park roads or lands owned or managed by State Parks; this is a general rule. There are specific exceptions to the OHV rule but these exceptions are implemented through a rule change or specific action. Mr. Raines took over supervision of Lake Owyhee State Park last year and found that there is a lot of OHV use at the Park. There are a lot of informal paths/trails that have been created by pedestrians and OHV's leading to the water. Last year staff worked to educate and inform the OHV users about the restrictions in the Park but there was pushback from users saying they'd always done it in the past. Park staff monitored the situation closely and noticed that approximately once a month there was a group (such as an ATV club) that would ride on the County road, through the Park, and then up Fishermans Road and loop around to possibly Adrian or somewhere. Mr. Hutton asked what the County's position was on OHV use on County roads.

Judge Joyce requested Sheriff Wolfe comment on the matter. Sheriff Wolfe explained that the Sheriff's Office is and always has been opposed to restricting the use of off-road vehicles from being able to use the public lands. There is a lot of public land in Malheur County administered and managed by BLM; this land is not BLM land - it is public land managed by BLM. Also, for economy purposes the Sheriff's Office supports the use of these types of vehicles. Many people who live in Malheur County own and use these vehicles and the Sheriff's Office prefers to deal with any problems on an individual basis rather than by creating a blanket policy. Additionally, the Sheriff's Office would have a hard time enforcing restrictive use of the vehicles if the County Court were to adopt such an ordinance as they believe individuals should be able to use the public lands.

Judge Joyce asked Mr. Hutton what the process was for a rule change through State Parks. Mr. Hutton explained if OHV use were to be allowed in the entire Park it would have to go through Oregon State Parks formal rule making process. However, it may be possible to do a local designation for a small specific area within the Park, such as allowing the use from Indian Creek Campground to Fishermans Road. State Parks does have concerns that the road is very narrow and windy and is heavily used (most vehicles using the road also are pulling trailers).

Discussion about the issue continued. Sheriff Wolfe also noted that the County does not allow OHV use in Bully Creek Park and this creates a lot of dissention with the public. Ms. Williams said the lease with Bureau of Reclamation (BOR) for Bully Creek Park is up for renewal and the new proposed lease specifically states no off-road vehicle use on the property. Ms. Williams

also explained that the County does not own Lake Owyhee Road in fee but rather it is an easement with BLM and she will review that easement language.

The Court requested that Mr. Hutton continue discussions with Sheriff Wolfe; once a recommendation is reached it will be brought back to the Court.

The leadership group left the meeting and Mr. Meyer left the meeting.

### **MISSION STATEMENT**

The Court reviewed the following proposed County Mission Statement: It is the mission of Malheur County to appropriately administrate an economically sound local government, while maintaining the highest standards of leadership and service. Consensus was to remove the word "appropriately". Judge Joyce moved to approve the following as the Malheur County Mission Statement: "It is the mission of Malheur County to administrate an economically sound local government, while maintaining the highest standards of leadership and service." Commissioner Hodge seconded and the motion passed unanimously.

### **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(a) - Employment of Public Officers, Employees and Agents with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was Administrative Officer Lorinda DuBois and Sarah Poe. No decisions were made during or following the session.

### **COURT ADJOURNMENT**

The meeting was adjourned.