

MALHEUR COUNTY COURT MINUTES

January 30, 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 Treasurer/Tax Collector Jennifer Forsyth.

PLANNING DEPARTMENT

Planner Eric Evans met with the Court. Mr. Evans provided his fifth monthly report to the Court as the Court has required.

COUNTY LAND SALE PROPERTIES

Treasurer/Tax Collector Jennifer Forsyth met with the Court and reviewed the properties to be sold at the 2019 County Land Sale. Ref. #6901 was discussed; it is approximately one acre on a hill, the property is not buildable but may be needed in the future for right-of-way purposes for Hyline Road. Consensus was to retain Ref. #6901 and confer further with the Road District and ODOT (Oregon Department of Transportation). An Order for Sale for the remaining properties will be prepared for the Court's approval.

County Counsel Stephanie Williams joined the meeting.

Pat Caldwell of the Malheur Enterprise joined the meeting.

PUBLIC HEARING - ORDINANCE NO. 218

Judge Joyce opened the public hearing for consideration of Ordinance No. 218: An Ordinance Repealing Opponent Rebuttal as Part of the County's Hearing Procedures for Quasi-Judicial Land Use Hearings. Notice of the hearing was posted on the County website and Courthouse bulletin board. Ms. Williams explained that County Code states that in quasi-judicial land use hearings opponent's rebuttal may be allowed at the hearing body's discretion. This provision is conflicting as it requires a vote of the governing body before opponent's rebuttal is permitted; it is not required by law; and negates other legal provisions within Oregon's land use laws requiring proponent/applicants to meet a burden of proof before an applicant/zoning permit is approved. No public testimony was received. Judge Joyce closed the hearing and read the ordinance in full. Commissioner Wilson moved to approve Ordinance No. 218: An Ordinance Repealing Opponent Rebuttal as Part of the County's Hearing Procedures for Quasi-Judicial Land Use Hearings. Commissioner Joyce seconded and the motion passed unanimously. An emergency was declared in the ordinance and the ordinance takes effect immediately. See instrument #[2019-0410](#)

MCOA&CS - GRANT APPLICATION/AUDIT

MCOA&CS (Malheur Council on Aging and Community Services) Executive Director Loni Thomas, Deputy Director April MacKenzie, and Transportation Manager Brittany White met with the Court. Ms. Thomas requested approval to submit a grant application to ODOT (Oregon Department of Transportation) for STIF (State Transportation Improvement Fund) Discretionary Fund funding. Grant funds requested are for the purchase of up to four (4) transit vehicles (2 modified mini vans and 2 medium/light duty buses). Commissioner Hodge moved to approve the

submittal of the grant application to ODOT. Commissioner Wilson seconded and the motion passed unanimously.

Ms. Thomas also presented a copy of MCOA&CS's audit for the fiscal year 2017/2018. It was noted that the SRT Malheur Express accomplished 36,223 total one-way rides, with 260,239 revenue miles, and 15,265 driver hours.

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #02-19 to Riverside Irrigation District to replace pipe under Red Top Road #960; and Crossing Permit #03-19 to Idaho Power Company to replace a pole on Clark Blvd. #857. Judge Joyce seconded and the motion passed. (Commissioner Wilson was out of the room at this time.)

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of January 23, 2019 as written. 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, Pat Caldwell of the Malheur Enterprise and Julie Rogers. No decisions were made during or following the session.

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 Administrative Officer Lorinda DuBois, County Counsel Stephanie Williams, and Pat Caldwell of the Malheur Enterprise. No decisions were made during or following the session.

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 Pat Caldwell of the Malheur Enterprise. No decisions were made during the session.

HEALTH DEPARTMENT DIRECTOR

Commissioner Wilson moved to authorize Ms. DuBois to perform due diligence on the number one candidate for the Health Department Director position and proceed with negotiations. Commissioner Hodge seconded and the motion passed unanimously.

COURT ADJOURNMENT

The meeting was adjourned.