

MALHEUR COUNTY COURT MINUTES
February 15, 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. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. 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 # 2023-440

PROPOSED TRUANCY ORDINANCE

Malheur Education Service District (ESD) Superintendent Mark Redmond met with the Court to further discuss the proposed County truancy ordinance and answered questions from the Court members; also present were Vale School District Superintendent Alisha McBride, District Attorney Dave Goldthorpe, and Juvenile Department Director Ted Martinez; Adrian School District Superintendent Nick Ketterling and Ontario School District Superintendent Nikki Albus later joined the session. Mr. Redmond explained that letters of support and/or resolutions of support for the proposed ordinance were submitted by all school districts in the county; Nyssa City Police Department, Ontario City Police Department, and Sheriff Wolfe; and the cities of Ontario, Nyssa, and Jordan Valley. City of Vale may support the ordinance with some jurisdictional language modifications to the ordinance. See instrument # 2023-447 for the resolutions/letters.

A snapshot of current attendance numbers for this school year as of January 17, 2023 show that there has been an average of 82 school days, 5431 students, and 197 students with more than 20 days absent. See instrument # 2023-448 for the handout. Mr. Redmond also reviewed the Pyramid Model for Attendance Collaboration. Tier 1 is school level responsibilities, Tier 2 is Justice Court, and Tier 3 is Circuit Court under ORS 163.577(1)(c). See instrument # 2023-449 for the Pyramid Model handout.

Ms. McBride explained the schools have in place the tools listed under Tier 1. The County ordinance allows for the Justice Court to implement the tools in Tier 2; without the County ordinance there is not the supportive collaborative process for the family and community services and schools will be forced to go to the more punitive process - Tier 3. Malheur county has the highest child poverty rate in the state of Oregon; a pathway out of poverty is an education and access to resources.

Commissioner Jacobs expressed appreciation for the work done in gathering support for the proposed ordinance. Commissioner Jacobs inquired if there were efforts in the schools for additional vocational opportunities for students. Jordan Valley has a welding program; Adrian has a CNA (Certified Nursing Assistant) program which will include phlebotomy; Harper has an auto program; Ontario has culinary and drafting; Nyssa has CNA and phlebotomy, and welding; Vale

has four programs - agriculture, automotive, business, and construction; a CNA program will be added next school year. The goal this year is to have 300 certifications across the county (last year was about 250 industry level certifications).

Mr. Goldthorpe expressed his support for the proposed County ordinance.

Commissioner Mendiola inquired if there had been any feedback from parents. Ms. McBride explained she had heard one concern that the proposal is financially motivated by the schools; schools in Oregon receive funding based on enrollment, not attendance rates.

A final ordinance will be drafted and two public hearings will be scheduled.

Ms. Williams left the meeting.

UNCOLLECTIBLE PERSONAL PROPERTY TAXES

Treasurer/Tax Collector Jennifer Forsyth met with the Court and presented information on uncollectible personal property tax accounts. Commissioner Jacobs moved to approve Order GO-03-23: In the Matter of Uncollectible Taxes on Personal Property Situated within Malheur County and the Cancellation Thereof. Commissioner Mendiola seconded and the motion passed unanimously. Two accounts were cancelled; total charge off is \$146.89. See instrument# 2023-441

VALLEY FAMILY HEALTH CARE CENTER

Meeting with the Court from Valley Family Health Care Center were: CEO (Chief Executive Officer) Ken Hart, CFO (Chief Financial Officer) Cheri Hung, Practice Manager Adam Dold, Chief Nursing Officer Jenny Boone, and Chief Operations Officer Ben Murray. Valley Family is a not-for-profit, 501(c)(3) with clinics in Idaho and Oregon (8 medical clinics/4 dental clinics and an additional medical clinic is under construction in Ontario); has 270 employees - approximately 50 of those are providers and is a Federally Qualified Health Center (FQHC). Valley Family is governed by a local board. Over 21,000 patients were served by Valley Family in 2022 with 77,015 clinic visits and 3,005 telehealth visits. Facilities in Malheur county are: Nyssa: Medical Clinic and Dental Clinic; Vale: Medical Clinic and Malheur County Correctional Facility; Ontario: Medical Clinic, Dental Clinic, Treasure Valley Pediatric Clinic, and Treasure Valley Women & Family Medicine Clinic. Valley Family also provides behavioral health services in Malheur county schools and at the pediatric clinic; unless additional providers can be added, Valley Family will not be able to continue to provide the school based mental health services. The Real Market Value of Valley Family real estate in Malheur county is \$5.4 million and the annual property tax exemption is over \$70,000. Mr. Hart answered questions from the Court members. See instrument # 2023-462 for the handout.

Ms. DuBois left the meeting

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #05-23 to Idaho Power Company for maintenance work on Enterprise Avenue #662, Cloverdale Avenue #556, Alberta Avenue #768, Echo Road #770, Gray Boulevard #956, Eureka Avenue #862, Gem Avenue #865, Clark Boulevard #857, King Avenue #866, and Alameda Drive #893; Crossing Permit #06-23 to Idaho Power for replacement of a pole and transformer on NW 19th Avenue #1541; Crossing Permit #07-23 to Romans Precision Irrigation for installation of a culvert on McLay Road #667; and Crossing Permit #08-23 to Romans Precision Irrigation for pipe installation across Harper-Westfall Road #805. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of February 8, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET

Commissioner Mendiola moved to approve Resolution R23-06: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Jacobs seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate additional Reimbursement funds in the Weed Control budget that were not anticipated when the adopted budget was prepared; the funds will be used to offset the rise in fuel prices. See instrument # 2023-442

FAIR BOARD - ADVISORY MEMBER

Commissioner Jacobs moved to appoint Maddie Hewitt to the Fair Board as an Advisory Member. Commissioner Mendiola seconded and the motion passed unanimously.

BUDGET COMMITTEE VACANCY

There is one vacancy on the County Budget Committee.

OWYHEE WATERSHED COUNCIL - ANNUAL REPORT

Owyhee Watershed Council Coordinator Nicole Sullivan and Jordan Valley Cooperative Weed Management Area (JVCWMA) Coordinator Eric Morrison met with the Court and provided an annual update on the Owyhee Watershed Council (OWC), and answered questions from the Court members. Also present was County Weed Inspector Amanda Zander. Ms. Sullivan explained that throughout the duration of the 21-23 biennium the Council has been working with partners, landowners and other stakeholders to address three main watershed issues: water quality improvement, riparian habitat restoration, and Sage-steppe rangeland habitat restoration. Addressing those watershed issues is a Council Action Plan priority and a continual process through both stakeholder engagement and restoration actions.

Over the course of the last year and a half OWC has been working on stakeholder engagement. Monthly membership meetings have resumed - held on the second Wednesday of each month (an

Annual Meeting will be held June 14th); management of the Owyhee Small Grants Team; worked over the last year with 21 private landowners on restoration project improvement proposals; and worked with partners and stakeholders in 2021 and 2022 to develop a county wide Regional Conservation Partnership NRCS funding proposal focused on Stage Steppe and upland restoration - the proposal received positive feedback and a high priority ranking but was not selected for funding, this partnership group is now working on a proposal to develop a countywide rangeland strategy plan. OWC regularly engages with the Vale Sage Grouse Local Implementation Team in meetings and discussions.

In 2022 OWC was able to hold its 20th Annual Owyhee 5th Grade Field Day. (The program had been on hold for two years due to COVID restrictions.) 2023 Owyhee 5th Grade Field Day is April 26 and 27.

OWC had ten small grant applications; six were awarded funding; applied for six Restoration grants and was awarded three (two are currently pending); two Technical Assistance applications were submitted and one was funded; one Stakeholder Engagement application was submitted and funded; and OWC/JVCWMA applied for and was awarded two ODA (Oregon Department of Agriculture) Weed Board grants.

Four large grant projects and one small grant project was implemented over the last year and a half. Two hundred and five acres of row cropped traditional flood irrigated agricultural land was converted to sprinkler irrigation through the installation of a pivot, wheel-line and irrigation conveyance infrastructure. Eighty-eight acres were converted from gated pipe to sprinkler irrigation through the installation of a pivot system and irrigation conveyance infrastructure.

OWC is currently working with landowners to implement several large, small and technical assistance projects. Additionally, OWC is working with eleven landowners to develop funding applications for potential restoration projects addressing both water quality and upland restoration.

Mr. Morrison updated the Court on activities of the Jordan Valley Cooperative Weed Management Area (CWMA). The Jordan Valley CWMA assisted in treating 834.3 acres of noxious weed species in conjunction with private landowners and Oregon State Lands. Three hundred fifty-five acres of Perennial Pepperweed were treated (271 acres being in the Quinn area); and two hundred sixty-three acres of Scotch Thistle were treated (221 acres being in the Arock and Danner areas). Puncture vine was a new addition to the noxious weeds treated in the Jordan Valley CWMA; there is very little puncture vine in the CWMA area and they want to keep it from increasing.

The Jordan Valley Whitetop Give-A-Way distributed 180 plus gallons of mixed chemical for whitetop to 18 individuals. Whitetop has decreased by over 90% since the event started in Jordan Valley.

Russian knapweed biocontrol agent releases were done in the Burns Junction area and Danner area; more releases will be done as agents are available.

Fifty-three people attended the 2023 Winter Weed Seminar and 111 recertifications credits were awarded in two states. Seven monthly meetings were held; and 8 noxious weed articles were published in the Owyhee Avalanche. Additionally, grasshopper meetings were organized for landowners with APHIS (Animal and Plant Health Inspection Services) and ODA to deal with the outbreak in 2022.

See instrument # 2023-463 for the OWC written report and the CWMA written report.

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 the session.

PURCHASE & SALE AGREEMENT

Commissioner Jacobs moved to authorize Ms. Williams to draft a Purchase and Sale Agreement with Kelly Johnson for two parcels (Reference Nos. 18781/19936) for a purchase price of \$1,400,000. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-458

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.