

MALHEUR COUNTY COURT MINUTES
February 9, 2022

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 Don Hodge and Commissioner Ron Jacobs present. Staff present was Administrative Officer Lorinda DuBois, Juvenile Department Director Susan Gregory and Office Manager Emma Thorstad. Members of the media, public and staff could also join the meeting electronically. 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 # 2022-570

WILDLIFE SERVICES

Scott Phillips, Wildlife Specialist with USDA (United States Department of Agriculture) APHIS (Animal and Plant Health Inspection Services) Wildlife Services met with the Court and provided a general update.

- The County is approved for beaver management - other than in a couple of small areas (i.e. Sage Creek at McDermitt).
- Working on authorization to increase the raven management numbers. Requests for raven work has already been received from the Jordan Valley area; ravens spread disease amongst calving cows.
- Would the County Court consider requesting an exemption from the Governor in order to utilize M-44s again? The use of M-44s for predator control would greatly benefit ranchers. SB 580 passed by the legislature in 2019 banned the use of M-44s.
- A plane and pilot are available for aerial work; coyotes are prolific and plentiful.
- Jeffrey Flores is the new State Director. Shane Koyle is the District Supervisor.

COURT MINUTES

Judge Joyce moved to approve Special Meeting Minutes Pursuant to Initiative Measure No. 23-64 of January 10, 2022; and Court Minutes of January 12, 2022 as written. Commissioner Jacobs seconded and the motion passed. (Commissioner Hodge was not present for the meetings.)

Commissioner Hodge moved to approve Court Minutes of February 2, 2022 as written. Judge Joyce seconded and the motion passed. (Commissioner Jacobs was not present for the meeting.)

SELECTION COMMITTEE – IS DIRECTOR

Consensus of the Court was that the Court members interview applicants for the IS (Information Services) Director and that Planner Eric Evans serve on the committee and Randy Seals from ESD (Education Service District) if he is willing. Commissioner Hodge will reach out to Mr. Seals.

CHECK REGISTER

Commissioner Jacobs moved to approve January 2022 Accounts Payable Register. Commissioner Hodge seconded and the motion passed unanimously.

QUITCLAIM DEED – JOHNSON

Commissioner Hodge moved to execute Quitclaim Deed to Steven Lavell Johnson and Rusty Sue Johnson for Ref. #'s 13780/903173 and 18454. Commissioner Jacobs seconded and the motion passed unanimously. This is a buyback of the property as it is in tax foreclosure. See instrument # 2022-571

AMENDMENT – IGA #169522

Commissioner Jacobs moved to approve Fourth Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement for the Financing of Public Health Services, IGA (Intergovernmental Agreement) #169522. Commissioner Hodge seconded and the motion passed unanimously. Funding is added to Program Element PE40-02 WIC (Women, Infant and Children) NSA (Nutrition Services Administration): October-June. A copy will be returned for recording. Original IGA is recorded as instrument # 2021-3609.

IGA – EXPUNCTION OF JUVENILE RECORDS

Juvenile Department Director Susan Gregory presented an intergovernmental agreement with Oregon Youth Authority (OYA) for expunction of juvenile records. SB 575 (2021) requires juvenile departments to automatically expunge a youth's records when they reach the age of 18 if they have never been adjudicated in juvenile court. Under the terms of the IGA, OYA (Oregon Youth Authority) will reimburse the County \$206.15 per Qualified Expunction, up to \$58,134.30. Ms. Gregory requested that Juvenile Department office staff be authorized overtime to perform the expunction duties within the funding allocated in the IGA. The Juvenile Department will invoice OYA monthly.

Office Manager Emma Thorstad shared the Oregon Juvenile Department Directors' Association Senate Bill 575 Fiscal Impact on County Juvenile Departments document. The data collected indicated that on average Malheur County will have 146 youth per year that will qualify for automatic expunction. The analysis of the workgroup found that the average time involved in the expunction process is 5-6 hours per expunction. Data was also collected on the fully-loaded hourly cost for the staff who perform the expunction functions.

After discussion, consensus of the Court was to authorize the overtime request for the expunction work that is performed outside of normal work hours; the overtime expunction work will only be done outside of normal work hours when the duties cannot be completed in the normal workweek hours and Ms. Gregory will report back to the Court in May. (Overtime hours do not begin until after the employee works 40 hours in a week.)

Commissioner Hodge moved to approve Intergovernmental Agreement No. 14830 Expunction of Juvenile Records with Oregon Youth Authority. Commissioner Jacobs seconded and the motion

passed unanimously. The agreement terminates January 1, 2024. A copy will be returned for recording.

DEQ GRANT OPPORTUNITY

Environmental Health Director Craig Geddes and Kathy Markee from Community in Action met with the Court. Department of Environmental Quality (DEQ) issued a Request for Information (RFI) for an onsite septic financial aid program. Public agencies and community organizations are encouraged to partner to develop, operate, and administer a loan, grant, or other financial aid program for the repair, replacement, and evaluation of old or failing onsite septic systems for low/moderate income homeowners. It is anticipated that Requests for Proposals (grant application) will be issued in Spring 2022; and projects funded in the third quarter of 2022.

Community in Action would administer the grant. Community in Action would model the structure of the program after that of CDBG (Community Development Block Grant) programs it currently administers. There is a need in the community; many homeowners have septic systems in need of repairs.

Consensus of the Court was to partner with Community in Action and pursue the grant opportunity.

PIONEER HEALTH DISTRICT

Pioneer Health District Board Chairman Dennis Buttice and Board member John Nalivka met with the Court and requested funds from the County in order for the District to regain financial stability. Mr. Buttice and Mr. Nalivka explained: The resident census in the Skilled Nursing facility has been restricted and currently only has 12 patients and 20-24 patients are needed to be financially sustainable. Approximately 85 people are employed at the facility (including both part-time and full-time). Staff was not laid off due to restrictions in the hopes that the census numbers would be increased and the difficulty of hiring staff. The “emergency fund” has been depleted and funds have also been taken from the “Duncan fund” which is earmarked for capital improvements. Payroll runs about \$114,000 - \$128,000 every two weeks. Approximately \$5,000 is in the LGIP (Local Government Investment Pools) fund. Nursing staff is currently fully staffed but there remains a need for CNAs (Certified Nursing Assistant). A small amount of funds through FEMA (Federal Emergency Management Assistant) for supplies has been received. \$4,500 a month is received from the newly approved tax base.

Commissioner Jacobs explained that the County COVID funds (ARPA (American Rescue Plan Act) funds) have specific criteria that must be met. The County can only use the funds per the Federal Treasury rules and is subject to mandatory reporting, use and compliance for any funds expended.

Mr. Buttice and Mr. Nalivka will follow-up with District staff to further evaluate the requirements of the ARPA funding and meet again with the Court. See instrument # 2022-596 for the written request from the Pioneer Health District Board.

COURT ADJOURNMENT

The meeting was adjourned.