

MALHEUR COUNTY COURT MINUTES
February 23, 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. Members of the media, public, and staff were present 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 # 2022-0751

OWYHEE WATERSHED COUNCIL – 2020-2021 ANNUAL REPORT

Nicole Sullivan and Eric Morrison met with the Court and provided an annual update on the Owyhee Watershed Council (OWC). Ms. Sullivan explained that over the past two years Owyhee Watershed Council has addressed three main watershed issues: water quality improvement, riparian habitat restoration, and sage steppe rangeland habitat restoration. OWC in partnership with private landowners and other stakeholders implemented 15 large and small grant water quality improvement projects to improve water quality in the Owyhee basin tributaries and the Owyhee and Snake Rivers. In cooperation with the Jordan Valley CWMA (Cooperative Weed Management Area), three invasive annual grass and noxious weed projects were implemented to improve upland sage steppe habitat for Sage Grouse. Three ODA (Oregon Department of Agriculture) weed grants were also implemented to improve both upland and riparian habitats in the Upper Owyhee watershed CWMA areas as well.

The Council's operating capacity grant is a biennial grant through OWEB (Owyhee Watershed Enhancement Board) which basically funds the day to day operations of the Council. The 19-21 Council Capacity Grant was just closed out and the 21-22 Capacity Grant has started. Last year due to the pandemic and uncertainty in lottery revenue, the Council was successful in securing a PPP (Paycheck Protection Program) loan to help with staff wages for about three months. Projects are facing challenges with the supply chain issues and increases to materials costs. Pipe prices have tripled over the past year which is troublesome for grant projects funded prior to the price increases and landowner cost share for projects have increased. Landowners are also hesitant to commit to new projects once materials quotes are obtained due to high prices. It is anticipated that this will continue for a while and the Council will likely see a decrease in the amount of irrigation/water quality projects over the next couple of years.

The Council manages the Owyhee Team 23 small grants program which runs biennially. Each biennium the Owyhee Team is granted \$100,000 to manage and put projects on the ground for two years. In July 2021 the 19-21 small grants biennium was closed out with eight funded small grant projects that focused on water quality improvement. In August the Council kicked off the 21-22 Small Grant Biennium and has had two application periods, two review team meetings, and has funded three new small grants so far.

COVID required the cancellation of the 5th grade Field Day the past two years. A smaller version of Field Day is being planned for April 27th and 28th, 2022.

Ms. Sullivan is currently working on a Regional Conservation Partnership Program (RCPP) application through NRCS (National Resources Conservation Service). The RCPP promotes coordination of NRCS conservation activities with partners that offer value-added contributions to expand the collective ability to address on-farm, watershed, and regional natural resource concerns. Through the RCPP, NRCS seeks to co-invest with partners to implement projects that demonstrate innovative solutions to conservation challenges and provide measurable improvements and outcomes tied to the resource concerns they seek to address. In addition to the RCPP, the Council is working on developing a robust monitoring plan utilizing spatial data to acquire baseline vegetation data, prioritize project implementation/outreach, inventory vegetation presence/absence, and tracking of the progress over the course of the RCPP.

In 2017, the Council was awarded a Technical Assistance grant through OWEB to create an inhouse projects database; the database will include all the projects the Council has done since its formation in 2001. The small grants have all been entered into the database. A few large grants are left to enter and they are close to wrapping up the CWMA OWEB/ODA grants.

Judge Joyce asked Mr. Morrison about Medusahead treatment. Commissioner Jacobs visited with Mr. Morrison about grasshopper infestations in the Jordan Valley area.

Mr. Morrison explained that the Jordan Valley CWMA assisted in treating 1299.5 acres in conjunction with private landowners and Oregon State Lands. In years past, the number of acres treated has been much higher, however the shortened timeframe of the Weed Board grant delayed some treatments along with the amount of herbicide that was available for landowners early in the season due to COVID-19.

The Jordan Valley Whitetop Give-A-Way distributed 200 plus gallons of mixed chemical for whitetop to 16 individuals. Whitetop has decreased by over 90% since the event started in Jordan Valley.

See instrument # 2022-0752 for the written report.

LANDFILL – PROPOSED RATE INCREASE

Environmental Health Director Craig Geddes met with the Court regarding rates at the Lytle Blvd. Landfill. Mr. Geddes explained that Fox Sanitation, a commercial hauler from Idaho is under new ownership and no longer uses the landfill – this is about a \$50,000 revenue loss. Additionally, DEQ (Department of Environmental Quality) regulations now require the Landfill to have an air quality permit which is an annual cost of approximately \$8500. The initial application fee is approximately \$10,000. In the past, the Landfill has been self-supporting. In 2020/2021 the Landfill revenue was about \$30,000 short. Mr. Geddes proposed raising the rates 15% and increasing the Minimum Charge to \$10.00 (currently \$4.00). (Baker City landfill's minimum charge is \$15.00; Clay Peak is about \$12.00.) The Minimum Charge is up to 720 pounds.

Consensus of the Court was to schedule a public hearing on the proposed rate increase.

ROAD ACCEPTANCE – GEO INVESTMENTS

Surveyor/Engineer Tom Edwards presented a partition plat with road dedications for the Court's consideration. Commissioner Jacobs moved to accept road dedication of a portion of Thousand Springs Road and all of Thousand Springs Loop on Geo Investments, LLC Partition Plat #22-2. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-0747

SUPPLEMENTAL BUDGET

Commissioner Hodge moved to approve Resolution R22-05: In the Matter of Fiscal Year 2021-2022 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 Emergency State Support funds in the District Attorney budget that were not anticipated when the adopted budget was prepared – the funds will be used to purchase desks and carpet for the Child Support program; to allocate additional funds from the Oregon Youth Authority in the Juvenile Department budget that were not anticipated when the adopted budget was prepared – the funds will be used to cover the staff time to execute expunctions; and to allocate additional OHA (Oregon Health Authority) State funds in the Health Department budget that were not anticipated when the adopted budget was prepared – the funds will be used for the program elements as outlined by the State. See instrument # 2022-0756

Ms. DuBois left the meeting.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #03-22 to Romans Irrigation for work on Oak Road #1066; Permit #04-22 to Fatbeam to place fiber optic route feed from Ontario School District to Adrian School District along various Ontario and Nyssa Road District Roads; Permit #05-22 to Cascade Natural Gas to relocate a gas line on Airport Road #1100; Permit #06-22 to Kitamura Farms to pipe across Clark Blvd #857; Permit #07-22 to Craig Yano-Alta Farms LLC to bury irrigation pipe under Pioneer Road #1001; and Permit # 08-22 to Romans Irrigation for water lines crossing Bit Road #657. Commissioner Hodge seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

AMENDMENT – IGA #173143

Commissioner Jacobs moved to approve First 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 Hodge seconded and the motion passed unanimously. The Service Description for MHS (Mental Health Service) 30 PSRB (Psychiatric Security Review Board) is amended in its entirety. A copy will be returned for recording.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of February 9, 2022 as written. Commissioner Hodge seconded and the motion passed unanimously.

COUNTY LAND SALE

Treasurer/Tax Collector Jennifer Forsyth met with the Court and presented the list of properties for the 2022 County Land Sale. Commissioner Hodge moved to approve Order No. GO-03-22: Order for the Sale of County Properties. Commissioner Jacobs seconded and the motion passed unanimously. The County Land Sale will be held April 26, 2022. See instrument # 2022-0753

ECONOMIC DEVELOPMENT/RELOAD CENTER/ENTERPRISE ZONE

Greg Smith and Ryan Baily met with the Court. Mr. Smith provided an update on the Treasure Valley Reload Center project. The project is moving forward. The Nutrien building has been demolished; the building pad has been leveled; and the base for the rail lines and roads are being worked on. During the demolition of the building a strange odor was observed; demolition was stopped and contact was made with DEQ and Union Pacific, who is the owner of the property. The site is on record with DEQ; clearances were received and the demolition continued. Railworks has been awarded contract number two; they will be receiving their ballast from Idaho as they were able to secure an agreement to have it delivered via train. Railworks will begin towards the end of April or beginning of May and they estimate it will take about a month to complete. The building materials are on schedule and should arrive at the end of April. The bid for the building contractor was advertised yesterday and the contract should be awarded around the beginning of April. Work with the engineering team on utility development is next. A meeting with Farmers Mutual Telephone and the City of Nyssa to inquire about fiber layout to the industrial location serving the reload center and future tenants is scheduled. The engineers are researching the possibility that there may also be another fiber line that runs down the same corridor.

Mr. Smith and Mr. Baily recently met with a real estate marketing firm in the Boise area; looking into whether there is an opportunity to reach out to some of the large, national based real estate firms to get into their systems for promotion of the property. Mr. Smith is hearing that with the excessive growth in the Boise area there is more interest in Malheur County because the property is special in nature due to approximately a mile of Union Pacific frontage land and being shovel ready. Mr. Smith hopes to have a relationship with a large, national firm that is tied in with the local realtors.

The office is receiving inquiries regarding utilization of the enterprise zone and is currently working with a company out of Nyssa to finalize agreements. Businesses that receive an enterprise zone exemption are being directed that they need to continue to provide funding for emergency services – police, fire, ambulance, etc., and in addition to that, based upon their commitment and the time of the enterprise zone exemption, are to donate to an agricultural based non-profit group such as FFA (Future Farmers of America), 4-H, County Fair, etc.

Mr. Bailey is currently working with two small businesses who are receiving assistance with their online presence. Assistance with a loan is proceeding forward for a recreational facility in the

County; it is anticipated the loan will be ready for closing in the next two weeks. A press release on the Owyhee Grocery store was released recently and they have exciting plans for growth. Also working with a small business in the McDermitt area.

Mr. Smith said that Malheur County is extraordinarily well served in the legislature by Senator Findley and Representative Owens. Ag overtime continues to be a major issue as it relates to the economy.

Mr. Bailey explained that a meeting with the effected taxing districts was held in regards to the Anchorman Properties enterprise zone application. One participant had questions that pertained more to the City of Nyssa. Commissioner Hodge moved to approve Resolution No. R22-04: A Resolution Approving the Enterprise Zone Application for a Five-Year Tax Exemption on New Investments for Anchorman Properties LLC. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-0754

Mr. Smith also noted that the Natural Products Expo West trade show is taking place in California in March and inquired if the Court wanted the office to attend as it has in the past. Business Oregon will have a booth at the trade show.

MALHEUR COUNCIL ON AGING & COMMUNITY SERVICES (MCOA&CS)

MCOA&CS Executive Director Sandy Shelton and Senior Program Manager Tom Longoria met with the Court to request financial assistance for the Meals on Wheels program. There has been a substantial increase in seniors participating in the program and costs are steadily increasing each month for food and materials. Approximately 65% of the necessary funding for the program is provided through the State from the Federal Older American's Act funding. The Court was asked to consider contributing \$15,000 to the Meals on Wheels program for the current fiscal year; and also asked to consider contributing \$15,000 to the program as ongoing, annual support for the program. See instrument # 2022-0755 for the written request.

PIONEER HEALTH DISTRICT

Pioneer Health District Board Chairman Dennis Buttice and Board member John Nalivka met with the Court to follow-up on the Health District's request for funding from the County. The Court was provided information on the Health Districts revenue and expenses. Commissioner Jacobs explained that the ARPA (American Rescue Plan Act) funds have specific criteria that must be met per the Federal Treasury rules and that the Health District must show what funds it is eligible for under those rules. See instrument # 2022-0789 for the written revenue/expenses information.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.