

MALHEUR COUNTY COURT MINUTES
February 8, 2017

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois, Sheriff Brian Wolfe, and Lieutenant Rob Hunsucker.

Also present was John Braese of the Malheur Enterprise; and Orquidea Flores and Whitney Hayden from Lifeways.

FARM SERVICE AGENCY

Wes Jennings and Jon Mills from USDA-Farm Service Agency met with the Court and provided an update on the winter storm disaster activities. Mr. Jennings explained there are three different types of disaster declarations that USDA considers: Presidential, Secretarial, and Administrator's. The Presidential declaration is requested by a governor to the President and is administered through FEMA. The Secretarial declaration mostly applies to the growing season and if there was a 30% production loss; it also includes a fast-track for drought. The Administrator's declaration is for physical losses such as barns, farm equipment, crops, and livestock (onions in storage would qualify). FSA is currently pursuing an Administrator's declaration; the County Emergency Board has met and submitted a request to the State; the State Emergency Board is meeting and will submit the request to FSA's National Administrator. If an Administrator's declaration is declared then it will open up opportunities for emergency loans for producers. The program is designed to help producers rebuild and recover from physical losses; the emergency loan cannot exceed \$500,000. Producers may also consider a Farm Storage Facility loan (FSFL) which is a \$500,000 limit per loan and producers may have multiple loans (eligible to producers of the ag commodity). Producers can also contact FSA about the Livestock Indemnity program as there have been reports of significantly higher mortality rates due to calving in the last month. ELAP is the emergency livestock assistance program and is a technical program limited to \$20 million a year nationally. Producers are encouraged to document their situations and contact their local FSA office for assistance and answers to questions. It was noted that there have been a lot of hay storage facilities and various types of barns destroyed as well as the onion facilities. Commissioner Hodge noted that the Small Business Administration (SBA) may have business disaster loans available with a maximum loan amount of \$2 million.

It was announced that Mr. Jennings has accepted a position with FSA in the state office; Mr. Mills will be the interim county director as well as loan manager.

AMENDMENT - IGA #147797

Commissioner Hodge moved to approve Seventeenth Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147797. Commissioner Wilson seconded and the motion passed unanimously. The amendment authorizes \$21,612 for Adult Foster Care Services. A copy will be returned electronically for recording. Ms. Flores and Ms. Hayden were available to answer any questions the Court may have had; and then left the meeting.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of January 25, 2017 as written. Commissioner Hodge seconded and the motion passed unanimously.

ORDER ANNEXING ADRIAN INTO VECTOR CONTROL DISTRICT

Commissioner Wilson moved to approve Order No. GO-03-17: Order Annexing the City of Adrian into the Vector Control District of Malheur County. Commissioner Hodge seconded and the motion passed unanimously. On November 8, 2016 a majority of the voting electors of the City of Adrian approved the annexation of all territory within the Adrian city limits into the Vector Control District. The Vector Control District has approved the annexation of the territory of the City of Adrian. The County Court orders all territory within the Adrian city limits annexed into the Vector Control District of Malheur County; all annexed territory shall be subject to liabilities of the District in the same manner and to the same extent as other territory included in the District. The Order is made pursuant to ORS 198.867. See instrument # [2017-0376](#)

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #04-17 to Idaho Power to install inline pole for service to a new pump on Park Avenue #768; and Crossing Permit #05-17 to Idaho Power to install inline pole for service to a new pump on Echo Road #770. Commissioner Wilson seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

AMENDMENT - IGA #148021

Commissioner Wilson moved to approve Eleventh Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement for the Financing of Public Health Services. Commissioner Hodge seconded and the motion passed unanimously. The amendment replaces in its entirety Program Element #03 "Tuberculosis Services". A copy will be returned electronically for recording.

UPDATE TO NEGOTIATIONS WITH SHERIFF'S ASSOCIATION

Ms. DuBois explained the Sheriff's Association agreed to an extension of their agreement to December 31, 2017. Financial concerns of the County include PERS increase, expenditures due to snow removal costs in excess of \$160,000, extraordinary security and medical services for inmate Montwheeler. COLA is 2.1% - the same as AFSCME. An amendment to the agreement will be prepared.

County Counsel Stephanie Williams joined the meeting.

RESOLUTION TO ESTABLISH MANDATORY COST AND BUDGET SAVINGS

Commissioner Hodge moved to approve Resolution R17-07: A Resolution to Establish Mandatory Cost and Budget Savings through June 30, 2017. Commissioner Wilson seconded and the motion passed unanimously. Due to snow removal costs (\$160,406); purchase of sandbags (\$4500); and providing extraordinary security and medical services for inmate Montwheeler while he is hospitalized, the County's contingency funds (\$212,165) are depleted. Without budgetary savings there will be a shortfall in the County's operating budget

for the 2016-2017 fiscal year. Other factors contributing to financial concerns include: more winter and rain weather; PERS increase for the 2017-2018 fiscal year with an estimated additional cost to the County of more than \$200,000; and costs associated with recent workers' compensation and insurance claims. As such, no new positions or personnel will be funded and no reclassifications will be processed; those who possess the authority to hire must obtain the Court's approval to fill a position in all cases; current funding for vacant positions are eliminated, in whole or in part, and will be deleted from the budget and transferred to the County contingency fund; current funding for certain line items in the County Court, IT, Clerks, Assessor, Administrative, Tax/Treasurer, DA, Juvenile, Courthouse, Planning, Solid Waste, Non-Program, Health Department, Environmental Health, and Weed budgets will be transferred into the County contingency fund; out-of-county travel shall be kept to a minimum and a freeze on travel may be imposed at a later date; elected officials and department heads are encouraged to voluntarily conserve in all areas of their budgets and are reminded to stay within the purpose and amount of each line-item in their budgets. If necessary, more drastic cost-savings measures may be considered, such as unpaid furlough days and County staff is directed to negotiate with the Unions as necessary. See instrument # [2017-0377](#)

Sheriff Wolfe explained that inmate Montwheeler cannot be medically furloughed due to the public safety factor. Sheriff Wolfe also assured the Court that the Sheriff's Office is doing their part in cutting expenses where possible.

TAX OFFICE- PROPOSED POLICY

Treasurer/Tax Collector Jennifer Forsyth met with the Court and reviewed a proposed Tax Office policy regarding ORS 275.225 and private sales of County foreclosed property. A property that is foreclosed on by the County for unpaid taxes and is unsuitable for construction or placement of a dwelling under zoning ordinances and building codes and has a real market value of \$15,000 or less may be sold to an adjoining landowner by private sale. Notice will be sent to the adjoining landowners; a minimum bid must be at least one-half of the real market value. If more than one offer from adjoining landowners is received then the property must be sold at public auction. If only one offer is received then a Notice of Private Sale will be published; if there is no dispute with the Private Sale within 15 days of the publication then the private sale will be completed and the property will be removed from the County Land Public Auction list. Ms. Forsyth explained that she believes that utilizing this statute for private sales will help simplify and streamline the foreclosure process; as well as keep these types of properties from circling back through the foreclosure process time after time. Ms. Forsyth said that there are four properties that would qualify under this policy for this years' County Land Sale. Commissioner Hodge moved to implement the proposed policy. Commissioner Wilson seconded and the motion passed unanimously.

CREEPING BENTGRASS

The Court received written correspondence from Dan Andersen, Glyphosate Tolerant Creeping Bentgrass (GTCB) Working Group Co-Chair presenting to the Court a Collaborative Plan for the Management of Glyphosate Tolerant Creeping Bentgrass in Malheur County, written and submitted by The Scotts Company. Mr. Andersen's correspondence states that the management plan is a step in the process to aiding Malheur County growers and irrigation districts in the ongoing efforts to work on GTCB. The written document is the effort of many months of

meetings and discussions between Scotts Co. and affected Malheur County participants. The Working Group will continue to meet with Scotts Company for the progress of the plan and the evaluation of its outcomes. See instrument # [2017-0378](#) for the Collaborative Plan.

Mr. Andersen's correspondence also noted that the Working Group encourages the Court to support a special need license from Oregon Department of Agriculture for Glyphosate as this chemical will be crucial in the success of the management plan; a letter of support from the Court was requested.

The Court discussed the Plan; the Plan is not signed by Scotts Co., nor is it dated. The Plan includes identifying and treating GTCB volunteers within the monitoring area (approximately 82,000 acres) with herbicides or other appropriate management strategies in the Spring of 2017 and 2018. Annually, Scotts will assess the status of GTCB in Malheur County. Discussion of the Collaborative Plan will be on the Weed Advisory Board's agenda for its February 23rd meeting and they may or may not have a recommendation for the Court.

Fair Manager Lynelle Christiani joined the meeting.

PROPOSED CONCEPT - PROVISIONAL GENERAL CONTRACTORS

Ms. Williams explained to the Court that the Oregon Construction Contractors Board (CCB) is considering a proposed concept to allow for provisional licenses for licensed contractors from Arizona, California, Idaho, Montana, Nevada, Utah, and Washington to perform work in Malheur County due to the amount of damage incurred from the extreme winter weather. Provisional licenses would be valid for two years and the applicant must be currently licensed in one of the specified bordering states. Additionally, the contractor would need to have four or more years of construction experience; liability and workers' compensation insurance; a surety bond of at least \$20,000; and register with the Secretary of State's Office. The Court was asked if they would support CCB's proposed concept; the Court members will visit with constituents and consider the proposal at their next meeting.

DEPARTMENT HEAD REQUEST

Commissioner Wilson mentioned a Department Head had contacted him and requested a department head meeting be scheduled to discuss the County's financial status and hiring freeze and the recent resolution passed. The Court will invite department heads and elected officials to meet with them next week.

Maintenance Supervisor Don Dalton joined the meeting.

EMERGENCY SERVICES UPDATE

Lieutenant Hunsucker briefed the Court and explained that the County may receive a Federal disaster declaration; a team is expected to visit Malheur County to do a damage assessment. The South Fork recently sent 300 feet down river but then topped out and quit.

FAIRGROUNDS

Fair Manager Lynelle Christiani requested to speak with the Court. Three buildings at the fairgrounds have come down due to snow damage and another two buildings are damaged. The

insurance adjuster is scheduled to review the damage today. Ms. Christiani has talked to several contractors about rebuilding at the fairgrounds; one bid has been received for demolition of the debris and is \$145,000. It is anticipated that the rebuild bid will be approximately \$650,000 and in all reality it will probably be a \$1 million project to rebuild. It is unlikely that the rebuilding will be completed by this year's Fair. The Fair is over budget on maintenance. Ms. Christiani is meeting with different entities in the County and hoping for financial assistance. Contents were destroyed with the damage to the buildings - including the dividers for the Commercial Building and shelving for the Red Barn. (The budget for Fair Related Other Materials & Services is almost \$3,000 over spent; and the other Materials & Services budget only has approximately \$800 remaining in it.) Ms. Christiani expressed the difficulty in expending less from Personal Services to make up the shortfall in Materials & Services when the personnel services are highly necessary. Ms. Christiani also expressed her desire to have a partnership between the Fair Board and the County Court. Ms. Christiani will keep the Court updated and meet with them monthly.

COURT ADJOURNMENT

Court was adjourned.