

MALHEUR COUNTY COURT MINUTES
March 1, 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. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room was Pat Caldwell from the Malheur Enterprise. 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 # 2023-0544

REVISIONS TO NOXIOUS WEED LIST

Weed Inspector Amanda Zander met with the Court to consider any public comments regarding recommended changes to the County noxious weed list. Notice of the public comment opportunity was published in the Argus Observer on February 15 and February 22, 2023; and posted on the County website. No written comments were received. No oral public comments were received. Commissioner Jacobs moved to approve Resolution No. R23-05: Resolution Adopting Noxious Weed List for Malheur County Weed Control District. Commissioner Mendiola seconded and the motion passed unanimously. The List replaces all prior noxious weed lists adopted by the Court and is effective April 1, 2023. See instrument # 2023-0545

AGENDA REVISIONS

By consensus, the Court removed the City of Vale Wastewater Project Request for Funding from the Business Items of the meeting agenda; and added Economic Development Director Vacancy.

CROSSING PERMITS

Commissioner Mendiola moved to approve Crossing Permit #09-23 to Idaho Power Company for work on NW 4th Avenue #890; and Crossing Permit #10-23 to Idaho Power Company for work on Elderberry Lane #1569. Commissioner Jacobs 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 15, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

EMPLOYMENT AGREEMENT - ZEMMER

Commissioner Jacobs moved to approve Legal Assistant - employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Melanie Zemmer. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-0547

CONTRACT WITH LIFEWAYS - OPIOID FUNDS

Commissioner Jacobs moved to approve Contract with Lifeways, Inc for use of Opioid Settlement Funds. Commissioner Mendiola seconded and the motion passed unanimously. Lifeways will provide opioid-related efforts and activities that align with the remediation uses in the Johnson and Johnson settlement agreement. See instrument # 2023-0546

AMENDMENT - IGA #169522

Commissioner Jacobs moved to approve Eleventh Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement for the Financing of Public Health Services, Agreement #169522. Commissioner Mendiola seconded and the motion passed unanimously. Exhibit B Program Elements #10, #43, and #51 are replaced in their entirety; the Financial Assistance Award for FY23 is replaced in its entirety; and Exhibit J is amended. A copy will be returned for recording.

AGRICULTURAL EDUCATIONAL EXTENSION SERVICE DISTRICT ADVISORY BOARD - SKEEN

Commissioner Jacobs moved to appoint Paul Skeen to the Agricultural Educational Extension Service District Advisory Board. Commissioner Mendiola seconded and the motion passed unanimously. Mr. Skeen replaces Bob Komoto on the Advisory Board.

SHERIFF'S OFFICE UPDATE - RETIREMENT OF WOLFE

Sheriff Brian Wolfe met with the Court and provided an update of activities at the Sheriff's Office. The jail has been in operation since 1996 and needed upgrades are taking place; the kitchen will be shut down for two weeks in April for upgrades and planning is underway for providing meals during this time. Dispatch has one vacancy. The Jail has nine vacancies. The annual all staff meeting was held yesterday- Deputy Dan Perkins was selected as Deputy of the Year. Sheriff Wolfe announced he will retire in April 2023 (exact date to be determined). Sheriff Wolfe recommended, and requested, that the County Court appoint Undersheriff Travis Johnson to fill the remainder of Sheriff Wolfe's term as Sheriff. Sheriff Wolfe expressed his full confidence in Undersheriff Johnson. The Court expressed appreciation to Sheriff Wolfe for his service to Malheur County.

ENVIRONMENTAL HEALTH/PLANNING

Interim Environmental Health Director/Planning Director Eric Evans met with the Court. Mr. Evans introduced Environmental Health (EH) Specialist Evan Magner to the Court; Mr. Magner began employment in November and performs both EH Specialist services and public health modernization services under the Health Department. Mr. Evans explained that the full-time EH Specialist recently resigned; it is planned to move Mr. Magner into the full-time EH Specialist position. Due to shortage of staff Mr. Evans requested authorization to contract with Melissa Ney temporarily for Environmental Health Specialist Services in Baker and Malheur counties. Consensus of the Court was to draft an agreement with Ms. Ney.

Mr. Evans presented an IGA with the City of Adrian for floodplain management. Commissioner Jacobs moved to approve Intergovernmental Agreement (IGA) for Flood Hazard Management in

the City of Adrian. Commissioner Mendiola seconded and the motion passed unanimously. A copy will be returned for recording after execution by the City of Adrian.

The landfill power line project is awaiting BLM (Bureau of Land Management) review; the last correspondence from BLM indicated that there were staffing vacancies and they did not know when the project would be worked on.

One application for the Environmental Health Director vacancy was recently received; it will be forwarded for review.

CAPITAL FUNDING REQUEST

County Counsel Stephanie Williams explained that at last week's Malheur County Development Corporation (MCDC) board meeting it was requested that Malheur County Court ask the legislature for \$6.5 million for completion of the Treasure Valley Reload Center. The \$6.5 million does not appear to include items such as paving of roads, scale, weigh station, yard engine, or approximately \$1.5 million of equipment in the building. Ms. Williams and Commissioner Jacobs have been working on filling out the Capital Funding Request Project Information Form and request direction from the other Court members as to what the funding request should be.

It was noted that there are two vacancies on the MCDC board and Commissioner Jacobs will discuss that with MCDC board chair Grant Kitamura.

ADDENDUM TO AGREEMENT FOR FUNDING - MCDC

The addendum to the funding agreement with MCDC for \$2 million for construction of Track C was reviewed by the MCDC board and attorney. MCDC proposed to remove language concerning onsite material and wanted to be clear that the material currently onsite has not been tested or certified. All three Court members expressed that they wanted the onsite material tested before executing the funding agreement addendum.

ECONOMIC DEVELOPMENT DEPARTMENT DIRECTOR

Ms. DuBois will update the job description for the vacant Economic Development Department Director and forward to the Court members for review.

SHERIFF APPOINTMENT - JOHNSON

Commissioner Jacobs moved to appoint Undersheriff Travis Johnson to fill the remainder of Sheriff Brian Wolfe's term upon his retirement in April 2023. Commissioner Mendiola seconded and the motion passed unanimously.

OREGON BROADBAND PRESENTATION

Seth Thompson, Broadband Project Coordinator with the Oregon Broadband Office gave a presentation on the Broadband Office's programs. Mr. Thompson's job as project coordinator is to provide technical assistance support to applicants of the State's upcoming broadband grant programs. The objective of the Broadband Office is to close the digital divide in Oregon by

connecting more people with high speed internet. The Oregon Broadband Office will achieve this objective by providing grant funds to pay for broadband planning and deployment. In the coming months the Broadband Office will be conducting extensive stakeholder engagement throughout Oregon. The goal of this public outreach is to provide stakeholders the opportunity to help the Broadband Office better understand the lived experience of being digitally disconnected.

Broadband Technical Assistance Program (BTAP) (\$1.5 M)- is meant to help pay for the future planning of a broadband fiber network in the community; it will help pay for the professional services required to get that objective done. \$1.5 million is currently allocated to this program. The purpose of BTAP is to provide funding for eligible applicants to acquire professional help conducting the following activities: strategic planning, feasibility studies, business planning and pre-engineering for broadband networks. Applicants will pick the technical assistance level that matches their activity and need. Level One - Strategic Planning is getting a group together to discuss what you have, what you don't have, and what are the gaps. Level Two - Feasibility Study is evaluating different alternatives and trying to decide what is best. Level Three - Business Planning is where you've possibly chosen an alternative and you want to test it out and run it through some scenarios to figure out what maintenance and management might cost. Level Four - Pre-engineering is where you take one of those pretty good ideas with a targeted business plan and figure out how many route miles you might need, how much conduit, where you need to go, underground or above; this is close to a shovel ready project. Once you have something pre-engineered you are pretty much ready for financing. Eligible Applicants are: municipalities (ORS (Oregon Revised Statutes) 285B.410(9)); electric co-operatives, nonprofit organizations, municipal affiliates, the nine federally recognized Tribes in Oregon; and private for-profit providers IF partnered with one of the previous mentioned eligible applicants.

ARPA (American Rescue Plan Act) Capital Projects Fund (CPF) Broadband Deployment Program (BDP) - is to help pay for the deployment of broadband infrastructure (trenching, conduits, fiber etc.). \$157 million is allocated through the US Treasury; Oregon has submitted an application for funding - the program is not yet funded. Eligible locations are those currently lacking a wired connection reliably capable of 100/20 Mbps. Eligible Applicants are: municipalities, including Tribes, private and for-profit, electric utilities, co-operatives, municipal affiliates, and non-profits. Eligible Projects are broadband infrastructure projects that will provide 100/100 Mbps (Megabit per second) service to end-users currently lacking 100/20 Mbps; projects may be wired or wireless as long as service quality requirements are met per the standards in the handbook. Any middle mile projects must be associated with a last-mile build.

Broadband Equity, Access, and Deployment (BEAD) program and the Statewide Digital Equity Plan: Starting in the next few months, the Broadband Office, in partnership with a consultant, will be conducting listening sessions and focus groups throughout the entire state of Oregon to better understand the needs within communities and the experience of Oregonians who do not have access to high speed internet. The Broadband Office is conducting this massive public engagement campaign to better inform the programs and planning materials required for the State to offer BEAD and digital equity to Oregon.

Mr. Thompson answered questions from the Court members.

See instrument # 2023-565 for the presentation.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.