

MALHEUR COUNTY COURT MINUTES
March 22, 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 present and Commissioner Jim Mendiola present by telephone. 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. 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 # 2023-750

FIRST PUBLIC HEARING - ORDINANCE NO. 230 IMPLEMENTING MEASURES TO REDUCE INCIDENTS OF TRUANCY FROM MALHEUR COUNTY SCHOOLS

Present for the first public hearing for Ordinance No. 230: In the Matter of an Ordinance Implementing Measures to Reduce Incidents of Truancy from Malheur County Schools; and Declaring an Emergency were: Juvenile Department Director Ted Martinez, Malheur ESD (Educational Service District) Curriculum Director Angie Arriola, Adrian Superintendent Nick Ketterling, Ontario School District Safety and Prevention Supervisor Mike Padilla; and Vale Superintendent Alisha McBride was present electronically. Notice of the hearing was published in the Argus Observer and posted on the County website.

Judge Joyce opened the public hearing and asked for proponent testimony.

Mike Padilla: The Ontario School District is most definitely in support of the ordinance. The truancy and absenteeism rates are way high and it's a part of my responsibilities to monitor those things and it's concerning.

Alisha McBride: Good morning, thank you for the opportunity. I've shared information at previous meetings, but I do want to also put on the record that Vale School District Board of Directors is in support of this ordinance. And, as Mr. Padilla shared, this is a concerning trend in Malheur county, so I would encourage you to support the ordinance and let us know if you have any questions. Thank you.

Angie Arriola: I'm representing the Malheur ESD. Schools came to us with concerns and issues several months ago and we saw that and I know Mark has worked diligently with Stephanie and just trying to get this in front of it.

Nick Ketterling: Our Board of Directors also is in full support of this ordinance and just the concern for truancy and absenteeism; it would definitely help in that context.

Ontario High School Principal Ken Martinez joined the hearing.

Ken Martinez: Our District, our High School, our buildings are in support of this ordinance, it's going to make an impact on our ability to get kids in school and get them graduated.

Judge Joyce: I guess the reason for this is because there was a piece of state legislature language that was taken out, then you have to put it back in to make it work. Is that correct?

Ms. Arriola: The State removed the piece where you could, not say penalize, but incentivize parents to help the students get to school. It was pretty much just taken out and it was just free willy nilly, and we do have data that shows, as of like Christmas break, there was 197 kiddos in our whole county, students, that were already missing the 10% of the days. And that's a concern. Obviously, coming out of COVID, that was a change, and just trying to encourage those students to attend. We know, it's not necessarily the student's fault; it becomes up to the parent, and so the first step isn't to, the first wish is not to fine them, but to educate, but also have a little teeth if it does progress to 3 or 4 or 5 steps to get that. Does that articulate fairly well?

Ms. DuBois: Because it's the pyramid that you guys have - how things ratchet up.

Ms. Arriola: Yes, it wouldn't be the first thing to just send them a bill - say hey you're not there; but to give them a chance to work with them and then if it does get down to that there would be a little teeth.

Mr. Padilla: There is something else open that you would consider as we move forward. One of the things that historically, that we've noticed, both in my history of working with youth and families and now working with the school district is that you see a pattern of continuance and the problems that come with it. When you have a high school kid that you have to take into consideration; they have access to car keys and come and go, do those kinds of things. But when you have elementary age kids that are missing half of the school year, that is 100% a parental issue. A second grader is not going to make the decision to go to school - that's a parent thing. The problem in the past, as far as I'm concerned, and like I said historically is, we've already exhausted all efforts; phone calls were made, home visits are done, letters of attendance concerns are being sent out. With an ordinance, if we're going to develop an ordinance, how it's going to be effective is when she was talking about having some teeth, there needs to be that next level of accountability when it comes to the parent because you bring them into court. If we have a system, we want every family to have every opportunity to be heard in explanation. We understand illness, we understand those things that come with it. But when you have kids that are missing half of the school year, that's an issue. And so, it falls primarily on the parent in most cases. So that being said, when we're talking about teeth, it can no longer be a conversation of, we're here to discuss a problem, can you do better? We've already had those conversations. So when we're talking about teeth, I don't like to work from the venue of consequences if you will, I mean that's never really been my persona, but the reality of it is, chances have been given, opportunities have been given, and they're not doing what they need to do and it is a parental issue and I think we, as a community need to take a look at what's in the best interest of the students and the kids, because at some level it becomes a level of neglect, as far as I'm concerned, you're neglectful to your child's education, to their

future. I don't know how the courts take a look at those kinds of things, but I'm hoping that if we put this into place, and they're showing up in court, that we have a leader in the court that is going to be firm with their understanding of what their expectations are and what the parents need to do to step up. And if not, then it becomes a violation of a court order and then they move forward accordingly. I don't know that fines really are the right answer, simply because you lay out a fine, and you don't see that money. A lot of these people financially can't pay it, they won't pay it, you never see the money. There needs to be some creative, something if you will - whatever that may be, I don't know if it's parents go to community service or whatever the case may be. I think the message needs to be sent really clear to the parents in our community that this is in their best interest; we are concerned about their children, that's why we're in this business. We want them to be successful and ultimately, we need their buy in. So, when we say we need some teeth, that's what we need; we don't need fines, we don't need conversations - those conversations have already been made. That's just my two cents.

Commissioner Jacobs: A lot of this, you guys coming and reporting and putting your pyramid together, came about, partly because of some reluctance that I had to add additional rules or laws or whatever it was. But I want to thank all of you, and especially Mark Redmond for all the work that he did and going out and getting the support of all the schools. And also, I've read a draft of the ordinance and I feel like that it's really covering all the bases. And I realize that it mentions in there that they can be fined and the fines can happen, but there's also a lot of other avenues that can be taken before that process is gotten to. And I appreciate all the work that's been done on this, and I recognize it, all of your desires are for the kids, for their well-being, for their education and all that, and I appreciate all the time that all of you have spent on this and I think it's a good thing. Thank you.

There was no testimony in opposition. No written comments were received.

The hearing was closed. The second hearing will be April 5, 2023.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of March 15, 2023. Commissioner Mendiola seconded and the motion passed unanimously.

FUND TRANSFER RESOLUTION

Commissioner Jacobs moved to approve Resolution No. R23-10: In the Matter of Fund Transfers Under Local Budget Law ORS (Oregon Revised Statutes) 294.463. Funds are transferred within the Community Corrections budget. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-751

Leslie Thompson of the Argus Observer joined the meeting.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Resolution No. R23-11: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. The purpose of the supplemental budget is to allocate Oregon Department of Veterans' Affairs grant funds in the CVSO (County Veterans Services Officer) Expansion Fund that were not anticipated when the adopted budget was prepared; these funds will be used for veteran suicide awareness and prevention. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-752

CERTIFICATION STATEMENT

Commissioner Jacobs moved to sign the Oregon Parks and Recreation Department County Parks Assistance Program Certification Statement for July 1, 2023 - June 30, 2024. Commissioner Mendiola seconded and the motion passed unanimously. The estimated RV (Recreational Vehicle) fee revenue distribution for Malheur County is \$56,971 which will be budgeted in the Marine and Parks budget. See instrument # 2023-753

AMENDMENT - LAKE OWYHEE ROAD FLAP AGREEMENT

Commissioner Jacobs moved to approve Amendment 6 to the Federal Lands Access Program (FLAP) agreement, Project Number/Name: OR MALHEUR 846(1), Owyhee Lake Road Overstreet Road - Owyhee Reservoir; Western Federal Lands Highway Division, FHWA (Western Federal Lands Highway Division) Agreement #DTFH7016E00041 - Amendment 0006. Commissioner Mendiola seconded and the motion passed unanimously. The amendment closes out the agreement and returns \$9.21 to the County. See instrument # 2023-835

TEMPORARY EMPLOYMENT AGREEMENT - MCPHERSON

Commissioner Jacobs moved to approve Weed sprayer - employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Ronda McPherson. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-834

AMENDMENT - IGA # 173143

Commissioner Jacobs moved to approve Seventh 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 Mendiola seconded and the motion passed unanimously. The Service Description for the Intoxicated Driver Program Fund and the financial assistance award are amended. See instrument # 2023-754

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.