

**MALHEUR COUNTY COURT MINUTES**  
**March 29, 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. 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. Mik McKee from Western Rivers Conservancy was present in the meeting room. The agenda is recorded as instrument # 2023-869

**FIRST PUBLIC HEARING - ORDINANCE NO. 231 UPDATING NOXIOUS WEED CONTROL**

Judge Joyce opened the public hearing for Ordinance No. 231: In the Matter of an Ordinance Amending Title 3, Chapter 3 of the Malheur County Code Entitled Noxious Weed Control and Declaring an Emergency and asked for a staff report. Notice of the hearing was published in the Argus Observer and posted on the County website.

Weed Inspector Amanda Zander explained that the proposed revisions include elimination of the weed advisory board and compliance with Oregon Revised Statutes. Ms. Zander has found it incredibly difficult to find volunteers to serve on the advisory board. The weed program is established and Ms. Zander is comfortable with proceeding forward without an advisory board.

There was no proponent testimony; no opponent testimony; and no written comments were received.

Judge Joyce closed the hearing. A second hearing will be held April 12, 2023.

**LYTLE BOULEVARD LANDFILL UPDATE**

Planner/Interim Environmental Health Department Director Eric Evans met with the Court and provided an update on the Landfill. Commissioner Mendiola contacted BLM (Bureau of Land Management) and inquired on the status of the categorical exclusion application for the Landfill power project. BLM is waiting on an archeologist to review the application; it may be 6 to 8 weeks before they have one on staff. Mr. Evans proposed that the propane powered generator at the Landfill be connected to the scale house to run the scale for the commercial haulers to weigh their loads. Mr. Evans is working to obtain a cost estimate to connect the generator to the scale house. After discussion, Commissioner Jacobs moved to authorize Mr. Evans to confer with Ms. DuBois and work forward on the generator project. Commissioner Mendiola seconded and the motion passed unanimously.

### **BUILDING DEPARTMENT - TRAINING OPPORTUNITY**

Building Official Adele Schaffeld met with the Court and provided information on an upcoming code training opportunity. The State's training video that was provided to inspectors throughout Oregon is now available for jurisdictions to use for contractor training. On April 18, 2023 the training will be available locally for contractors, CTE (Career Technical Education) students, and other interested persons; the training event will be at the Malheur Education Service District facility in Vale; the presentation is two hours long and reviews the 2022 Oregon Structural Specialty Code Updates (nonresidential building).

### **COURT MINUTES**

Judge Joyce moved to approve Court Minutes of March 22, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

### **GRANT APPLICATION RESOLUTION - ASSESSOR'S OFFICE**

Assessor Dave Ingram met with the Court and presented a grant resolution for the Court's consideration. Commissioner Mendiola moved to approve Grant Application Resolution No. R23-12 for the Department of Revenue's County Assessment Function Funding Assessment (CAFFA) Program. Commissioner Jacobs seconded and the motion passed unanimously. By approving the resolution, the County agrees to appropriate budgeted dollars based on 100 percent of the expenditures certified in the grant application amount of \$1,286,785. See instrument # 2023-870

### **FUNDING AGREEMENT AND LINE OF CREDIT - MCDC**

County Counsel Stephanie Williams provided an update on the funding agreement with Malheur County Development Corporation (MCDC). The agreement has been sent to MCDC for their consideration; it provides for funding for an executive director through June 2024 and includes the same funding provisions for operations (\$50,000) and supplies (\$5,000); at the discretion of the County, guarantee the line of credit; and incorporates the funding of up to \$2 million for construction of Track C.

MCDC has requested authorization from the County Court to spend up to \$200,000 in the line of credit without having a revenue source. MCDC has exhausted their funds through ODOT (Oregon Department of Transportation) and has some expenses they need funding for. If additional funding is not received the County would need to pay the line of credit (the line of credit also needs to be renewed in May). After discussion, Commissioner Jacobs moved to authorize up to \$200,000 with an itemization contemporaneously with the payments. Commissioner Mendiola seconded and the motion passed unanimously.

### **JAIL MEDICAL SERVICES**

Ms. Williams explained she is working with Valley Family Health Care to extend the personal services contract for medical services in the Jail. (The current contract expires March 31, 2023 and the extension will be effective April 1, 2023 for three years.)

### **ENGAGEMENT LETTER - ZWYGART**

Ms. Williams explained that the Court received correspondence from Senator Findley and Representative Owens setting forth items they want the County to do in order to garner support for the legislative funding request for the Treasure Valley Reload Center. One of those items is a financial accounting of MCDC's books - to be completed prior to April 28, 2023. Lonny Hytrek (MCDC's accountant) strongly feels that the current auditor - Zwygart John - is the best firm to complete the accounting. Mr. Zwygart has agreed to review invoices for funds spent on the Treasure Valley Reload Center through February 2023 and confirm that funds were spent on the project; and will confirm that appropriate financial controls are in place by confirming that invoices were approved. Ms. Williams spoke with Senator Findley and he is fine with Zwygart completing the accounting. Commissioner Mendiola moved to sign the engagement letter with Zwygart John and Associates. Commissioner Jacobs seconded and the motion passed unanimously. MCDC will need to sign the engagement letter also.

Other items to be completed include: demonstrate support for the project (MCDC Board Chair Grant Kitamura is working on this); and an itemization of the funding request to include a financial plan and timeline.

### **WESTERN RIVERS CONSERVANCY - MOA**

Ms. Williams discussed with the Court a draft memorandum of agreement (MOA) with Western Rivers Conservancy (WRC). In 2020, Western Rivers Conservancy purchased Disaster Peak Ranch; this ranch is partially located in southern Malheur County, Oregon (approximately 2690 acres) as well as northern Humboldt County, Nevada (approximately 655 acres). Western Rivers Conservancy has been working with the Oregon Department of Fish and Wildlife, the Nevada Department of Wildlife, the Nevada Department of State Lands, the United States Department of Fish and Wildlife, and Malheur County. WRC has applied for grant funds and the funding is before the Oregon Legislature; Senator Findley has asked for the County's position. In October 2022 WRC presented the County with a memorandum of agreement; a markup of the MOA was sent to the Court members by Ms. Williams in an effort to address the County's ordinance (WRC has not seen the markup). Options include: continue to work on the MOA to address and mitigate the County's concerns as it applies to natural resources and having the property on the tax roll; or, oppose with reasons why. Judge Joyce has been working on this project for over a year; and a meeting was held with WRC in 2022. Commissioner Jacobs moved to continue working on the MOA and send the markup to WRC. Commissioner Mendiola seconded and the motion passed unanimously.

Ms. Williams noted that the County is also working on its homelessness time, place and manner ordinance; the first internal meeting was held and it is hoped to work in partnership with the cities as the County owns property within the various city limits. Additionally, Ms. Williams is working on updating the County's public contracting rules.

### **FAIR BOARD - ADVISORY MEMBER**

Commissioner Mendiola moved to appoint Jacqueline Heid to the Fair Board as an Advisory Member. Commissioner Jacobs seconded and the motion passed unanimously.

### **RANK CHOICE VOTING**

Commissioner Jacobs moved to approve correspondence to Senator Findley and Representative Owens regarding Rank Choice Voting legislation, nunc pro tunc to March 22, 2023. Commissioner Mendiola seconded and the motion passed unanimously. Malheur County has concerns with implementation of Rank Choice Voting, especially as proposed in House Bills 2004 and 3509 and suggests that a work group be formed to find a more workable path to move forward with Rank Choice Voting. See instrument # 2023-874

### **QUITCLAIM DEED - BTAZ NEVADA**

Commissioner Jacobs moved to approve Quitclaim Deed to BTAZ Nevada, LLC for Ref. #11990. Commissioner Mendiola seconded and the motion passed unanimously. BTAZ is an adjoining landowner; purchase price was \$6000.00. See instrument # 2023-871

### **PURCHASE DOCUMENTS - JOHNSON PROPERTY**

Commissioner Mendiola moved to authorize Judge Joyce to sign the deed and closing documents for the property the County is purchasing from Kelly Johnson - Ref. # 19936 and Ref. # 18781. Commissioner Jacobs seconded and the motion passed unanimously. See instrument #\*\*\*

### **PUBLIC COMMENTS**

Mik McKee, Stewardship Director of Western Rivers Conservancy: I've been working most closely with Nick Wilkinson and GJ Livestock on ranch management. I think the thing I have come to learn in the last two years is that this is one of the best examples of working lands conservation I've ever seen, and it's a rare opportunity to show how working ranches and fish can coexist and benefit each other. We hope to be able to show that to more people than we are currently. Mr. McKee answered questions from the Court members.

Nelson Matthews, Vice President of Western Rivers Conservancy: I'm just here in case there's any questions. I've been working on the Disaster Peak Ranch in our efforts to work with the County to come to an agreement for the memorandum of agreement to go forward with protecting the property long term and for fish, sage grouse and for cattle ranching.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.

\*\* Statutory Warranty Deed between Kelly Johnson and Malheur County for Ref. #'s 18781 and 19936 recorded as instrument # 2023-0938