

MALHEUR COUNTY COURT MINUTES

March 19, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. 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. The agenda is recorded as instrument # 2025-0744

ONTARIO AREA CHAMBER NETWORKING & LEADERSHIP PROGRAM

Present for the County Court meeting were participants of the Ontario Area Chamber Networking & Leadership Program. Introductions were made. The Court members gave an overview of their positions and answered questions from the Ontario Area Chamber Networking & Leadership Program participants. Also present were elected officials Assessor Chris Russell, Treasurer/Tax Collector Jennifer Forsyth, and Clerk Gayle Trotter and they provided information on their positions and answered questions.

COUNTY ENERGY RESILIENCE PROGRAM GRANT

Commissioner Jacobs moved to approve State of Oregon Department of Energy Standard Grant Agreement County Energy Resilience Program, Agreement No. 25-023. Commissioner Mendiola seconded and the motion passed unanimously. Economic and Community Development Director Taylor Rembowski explained that the grant funds will be used to hire a technical assistance provider to assist with creating a County Energy Resilience Plan.

The Ontario Area Chamber Networking & Leadership participants left the meeting.

Administrative Officer Lorinda DuBois and Building Official Adele Schaffeld joined the meeting.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #14-25 to Rally Networks for work on Railroad Avenue #874, Clark Boulevard #857, Alameda Drive #893 and SW 18th Avenue #887; and Crossing Permit #15-25 to Farmers Mutual Telephone Company for work on 3rd Street N #928, Gamble Road #849, and Arcadia Boulevard #928. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Judge Joyce moved to approve Court Minutes of March 5, 2025 as written. Commissioner Mendiola seconded and the motion passed. (Commissioner Jacobs was not present on March 5, 2025 and abstained from the vote.)

BUDGET TRANSFER RESOLUTION

Commissioner Mendiola moved to approve Resolution R25-10: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2025-0745

GOODFELLOW GATE PROJECT - UPDATE

One quote was received for the Goodfellow Gate project. The quote was not complete and Commissioner Mendiola said he would contact the contractor and request additional information.

COMMUNITY MENTAL HEALTH, LOCAL ALCOHOL AND DRUG AND DEVELOPMENT DISABILITIES ADVISORY COMMITTEE MEMBERSHIP

The membership roster for the Community Mental Health, Local Alcohol and Drug and Development Disabilities Advisory Committee had membership changes and needed updated. Commissioner Jacobs moved to appoint the following to the advisory committee: Christine Phillips, Director of Department of Human Services Child Welfare; Rebecca Stricker, Director of Malheur County Health Department; Ted Martinez, Director of Malheur Juvenile Department; Jennifer Susuki, Student Wellness Coordinator at Malheur County Education Service District; Jose Marquez, Mental Health Supervisor at Ontario School District; Connie Tanaka, Director of Malheur County Veterans Service Office; Jim St. Michell, Director of Malheur County Community Corrections; Travis Johnson, Malheur County Sheriff; Jason Cooper, Ontario City Police Department Chief; Don Ballou, Nyssa City Police Department Chief; Anna LaRosa, Saint Alphonsus Medical Center; and Michelle Belnap, Community Member. Commissioner Mendiola seconded and the motion passed unanimously. Current vacancies on the committee include: County Ambulance Service Director; Client/Consumer of Lifeways Recovery Center; and Client/Consumer of Developmental Disabilities Services of family member. Judge Joyce is the County Court Ex-Officio member, Lifeways and Valley Family are also ex-officio members.

BUDGET COMMITTEE

Commissioner Jacobs moved to appoint Dave Ingram and Cheri Hung to the County budget committee. Commissioner Mendiola seconded and the motion passed unanimously.

RESOLUTION - CIVIL RIGHTS PROGRAM TITLE VI

Commissioner Jacobs moved to approve Resolution R25-09: In the Matter of Adopting Malheur County's Civil Rights Program Title VI, Limited English Proficiency Plan for Public Transportation Services. Commissioner Mendiola seconded and the motion passed unanimously. The Plan will be submitted to ODOT (Oregon Department of Transportation) in satisfaction of federal requirements. See instrument # 2025-0746

LUBA REMAND - LEE; ORDINANCE NO. 235

County Counsel Stephanie Williams discussed with the Court the remand from the State Land Use Board of Appeals (LUBA) in the Darren Lee aggregate matter (Ordinance No. 235.) The Planning Commission made findings that the site should not be mined and recommended that the site not be placed on the Goal 5 inventory. The County Court determined that there was a significant

aggregate resource, based on location, quality and quantity, and placed it on the Goal 5 inventory (Ordinance No. 235). LUBA upheld the County Court's decision to place the site on the Goal 5 inventory as a significant aggregate resource. LUBA also concluded that the County did not complete its fact-finding process in Ordinance Number 235 to determine whether mining is permitted and remanded the decision of the County Court. The applicant, Darren Lee, submitted a request in February that the County proceed with a remand hearing. A final decision on the remand must be made within 120 days.

The Court has the sole discretion to determine how the hearing will be conducted. The hearing can be held based on the record with no new argument or evidence; open the hearing up to allow new testimony and evidence; or based on the record with oral and written argument only. The Court will need to make findings that determine the impact area and conflicts within the impact area, and determine whether impacts like dust, noise and other conflicts such as impacts to groundwater and agricultural practices can or can't be minimized. The applicant believes that conflicts can be minimized through reasonable and practical measures and that conditions of approval can be made in order to mitigate those conflicts. If conflicts cannot be minimized then the Court must complete an ESEE (Economic, Social, Environmental and Energy) analysis. After discussion, Commissioner Jacobs moved to hold the remand hearing based on the record with oral and written argument only, limited to whether or not to allow mining; and no new evidence will be considered. Commissioner Mendiola seconded and the motion passed unanimously. The hearing will be held on April 30, 2025; notice will be sent to all parties and landowners to the original planning and zoning proceeding and affected agencies.

COURT ADJOURNMENT

Commissioner Mendiola moved to adjourn the meeting. Commissioner Jacobs seconded and the motion passed unanimously.