

## **MALHEUR COUNTY COURT MINUTES**

March 25, 2020

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 Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and Planner Eric Evans. Present electronically were Road Supervisor Dave Tiffany, Surveyor/Engineer Tom Edwards, Veterans Service Officer Connie Tanaka, Information Services Director Frank Goble, Information Services Coordinator Josh Kreger, Building Official Adele Schaffeld, County Clerk Gayle Trotter, and Pat Caldwell of the Malheur Enterprise. Notice of the meeting was posted on the County website and Courthouse public bulletin board; and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. Due to staff failure the meeting was not audio recorded. The agenda is recorded as instrument #[2020-1127](#)

### **COURT MINUTES**

Commissioner Wilson moved to approve Court Minutes of March 11, 2020 as written. Commissioner Hodge seconded and the motion passed unanimously.

### **BUDGET TRANSFER RESOLUTION**

Commissioner Wilson moved to approve Resolution No. R20-13: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Hodge seconded and the motion passed unanimously. Funds are transferred within the Health Department budget. See instrument #[2020-1128](#)

### **SUPPLEMENTAL BUDGET RESOLUTION**

Commissioner Wilson moved to approve Resolution No. R20-12: In the Matter of Fiscal Year 2019/2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate additional funds that were received but not anticipated when the adopted budget was prepared. Funds are to be used for expenses related to the County's response to COVID-19, opioid training and materials and modernization equity work in the Health Department budget; and State Mental Health funds that are passed through to Lifeways for mental health services in the Mental Health Fund. See instrument #[2020-1129](#)

### **CROSSING PERMIT**

Commissioner Wilson moved to approve Crossing Permit #15-20 to Track Utilities to bore and place new service wire to a customer on Twilight Drive #1042. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

### **PUBLIC HEARING - ORDINANCE NO. 223**

Present for the second public hearing to consider Ordinance No. 223: An Ordinance for a Post Acknowledgment Plan Amendment (PAPA) to Include a Portion of Tax Lot 1500 Map 17S47E19 of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory was Planner Eric Evans; present

electronically were Rural Road Assessment District No. 3 Supervisor Karl Shrum and Applicant's Attorney Michael Lilly. Notice of the hearing was published in the Argus Observer. The Applicant is Rural Road Assessment District No. 3; Property Owner is the Larry and Judy White Trust. Planning Department File No. 2019-12-010. A hearing was held before the Planning Commission on February 27, 2020 and the Planning Commission recommended that the site be placed on the Goal 5 Resource Inventory. The County Court held its first public hearing on March 11, 2020.

Judge Joyce opened the hearing and asked for a staff report. Planner Eric Evans had no further information to add from what was given at the hearing on March 11, 2020.

Judge Joyce asked for proponent testimony from the applicant.

Attorney Michael Lilly had no further information to add from what was given at the hearing on March 11, 2020; and thanked the Court for holding the hearing and allowing for participation electronically.

Judge Joyce asked for opponent testimony; there was none.

Judge Joyce asked for a staff summary; Planner Eric Evans recommended adoption of Ordinance No. 223.

Judge Joyce closed the hearing.

Commissioner Hodge moved to approve Ordinance No. 223: An Ordinance for a Post Acknowledgment Plan Amendment (PAPA) to Include a Portion of Tax Lot 1500 Map 17S47E19 of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory. Commissioner Wilson seconded and the motion passed unanimously. See instrument [#2020-1126](#)

County Counsel Stephanie Williams joined the meeting.

### **COVID-19 EMERGENCY LEAVE POLICY**

Ms. Williams explained the COVID-19 Emergency Leave Policy is in response to recent changes in federal law - the Families First Coronavirus Response Act and the Emergency Paid Sick Leave Act and changes to the Oregon Family Leave Act per administrative regulation. The policy is recommended by the County's insurance company. The policy should be read in conjunction with the County's existing policies on FMLA, OFLA and sick leave; if employees have questions about the policy they should contact Ms. DuBois or Ms. Williams. The policy does not apply to health care providers or emergency responders. Commissioner Wilson moved to adopt Malheur County COVID-19 Emergency Leave Policy. Commissioner Hodge seconded and the motion passed unanimously. The policy terminates December 31, 2020 unless continued by the County. See instrument [#2020-1130](#)

### **TELEWORKING POLICY**

Ms. Williams explained the teleworking policy is a temporary policy to allow employees to telework in response to COVID-19 and to follow Governor Brown's Executive Order No. 20-12. Consensus of the Court was to have department heads sign the telework agreement in addition to staff that may telework. Commissioner Hodge moved to adopt Malheur County Teleworking Policy. Commissioner Wilson seconded and the motion passed unanimously. See instrument [#2020-1131](#)

### **SOCIAL DISTANCING POLICIES**

Consensus of the Court was to designate Judge Joyce as the authority to enforce social distancing policies per Governor Brown's Executive Order No. 20-12 with assistance from Environmental Health Director Craig Geddes, Court Security Officer Cindy Padgett, and Sheriff Brian Wolfe.

### **RESOLUTION - ESTABLISH BUDGET SAVINGS**

Ms. DuBois presented a resolution to establish savings in order to respond to additional costs which may be incurred by the County in order to respond to COVID-19. Commissioner Wilson moved to approve Resolution R20-14: A Resolution to Establish Mandatory Cost and Budget Savings in Order to Respond to Added and Un-Budgeted Costs Related to COVID-19. Commissioner Hodge seconded and the motion passed unanimously. See instrument [#2020-1132](#)

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.

March 24, 2020 meeting minutes of the Malheur County Compensation Board are recorded as instrument [#2020-1158](#)