

MALHEUR COUNTY COURT MINUTES
April 13, 2022

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 Ron Jacobs 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 # 2022-1846

LEGISLATIVE UPDATE

Senator Lynn Findley met with the Court and provided a legislative update. There were 104 bills introduced in the short session; 55 passed out of the Senate and 51 of those were for Democratic sponsored goods. The Republican minority party got four bills through. In the 2023 session there will be a new governor, a new president of the senate, and it is unknown if the new speaker of the house will remain in the position as there is fierce competition for the position; there will also be new agency directors.

For 2022 and the interim Senator Findley has the following committee assignments: Finance and Revenue Committee; Vice Chair of the Energy and Environment Committee; Joint Committee on Transportation; the Inter-state Bridge Committee (I-5 bridge replacement); Road User Task Force; Joint Committee of Under Represented Students; Reach Code Committee; Emergency Board; Global Warming Commission; Assistant Minority Leader in the Senate; and was recently asked to serve on a Broadband Task Force.

The session started with the Ag overtime bill - the Majority party was going to pass Ag overtime; public hearings were held and public comments were received but it was not impactful. The unintended consequences of this bill are significant.

Senator Findley focused a lot of time on defeating a bill to eliminate petroleum-based diesel in four years; he is a supporter of renewable diesel fuel however there is not an available supply of it. Another global warming /greenhouse gas emissions bill died as well. There has been a general attack on law enforcement capability and funding over the last four sessions.

Items of priority for the 2023 session should be communicated to Senator Findley. Commissioner Jacobs noted he would like to see more funding directed towards law enforcement; and a focus on the lack of housing and land use planning regulations.

The bill to increase the marijuana tax on retail sales for the City of Ontario died on the last day of the session; the bill included a provision that 20% of the increased revenue to a city would be directed towards the county for law enforcement. Legislation to make retail prescription pharmacy

drugs exempt from the CAT (Corporate Activity Tax) tax also died, even after amended to include only community-based pharmacies.

Judge Joyce asked Senator Findley his thoughts on child poverty. Senator Findley said that child poverty is a big thing and DHS (Department of Human Services) is not doing the job that they need to do. Some of the problem is that most state agencies are still remotely working. Senator Findley has had many tell him of the difficulty in getting state agencies to return calls and emails; and he has called several state agency directors to task. The State is failing in their job.

Commissioner Hodge noted the need for a disposal/recycling program for drip tape; and Commissioner Jacobs inquired if there was any assistance available for natural resources in regards to the Grassy Mountain gold mine and the possible lithium mine in the McDermitt area.

Judge Joyce requested assistance with ARPA (American Rescue Plan Act) funding and gave best regards to Senator Hansell.

Senator Findley is also working on what he refers to as the Drought 2 package and he is trying to determine the impacts of fallow ground; there is a tremendous amount of ground that is fallow in the state and what are the impacts of that on the food chain etc.

Commissioner Jacobs thanked Senator Findley and his colleagues for their work in Salem in these challenging times.

AMENDED DROUGHT RESOLUTION; EMERGENCY OPERATIONS PLAN RESOLUTION

Lieutenant Harriman met with the Court. Lt. Harriman explained that he had amended the drought resolution from last week's meeting as some of the referenced ORS's (Oregon Revised Statutes) had changed. Commissioner Jacobs moved to approve Amended Resolution R22-09: In the Matter of Declaring a State of Emergency within Malheur County. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-1847

Lt. Harriman also presented a resolution adopting the updated Emergency Operations Plan (EOP). A grant was received to update the EOP; the updates have been completed and a table-top exercise in conjunction with the plan was completed. Commissioner Jacobs moved to approve Resolution No. R22-10 - In the Matter of: Resolution Adopting the Updated Emergency Operations Plan. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-1848

ROAD ACCEPTANCE

Surveyor/Engineer Tom Edwards met with the Court and presented a road dedication on a partition plat for their consideration. Commissioner Hodge moved to accept road dedication of a portion of Fairview Avenue on Stoney Schulthies Partition Plat #22-04. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-1841

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #18-22 to Idaho Power Company for work on Enterprise Avenue #662. Commissioner Jacobs seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of April 6, 2022 as written. Commissioner Hodge seconded and the motion passed unanimously.

IS DIRECTOR

Joshua Kreger accepted the IS (Information Services) Director position.

OWYHEE IRRIGATION DISTRICT BOARD VACANCY

The Court received correspondence from general counsel for Owyhee Irrigation District. The District's Division 5 director position is currently vacant. ORS (Oregon Revised Statutes) provides that the remaining directors fill the board vacancy by appointment. There are two applicants for the vacant director position. A majority of the board cannot agree on which applicant to appoint to the vacant position (the vote is split 2-2). ORS 198.320 provides that if a majority of the board cannot agree, the vacancy is to be filled by the County Court. The applications for the two applicants were also included in the correspondence. The Court discussed the selection process they wanted to use to fill the vacancy. Discussion continued later in the meeting.

CHECK REGISTER

Commissioner Jacobs moved to approve Accounts Payable Register for March 2022. Commissioner Hodge seconded and the motion passed unanimously.

PUBLIC COMMENTS

Les Zaitz, Editor and Publisher of the Malheur Enterprise spoke with the Court. Mr. Zaitz explained that after reviewing documents provided for yesterday's Malheur County Development Corporation (MCDC) meeting, the Enterprise determined there was a \$2 million dollar error and he had confirmed that with Brad Baird of Anderson Perry who is the project manager. Mr. Zaitz also requested the video recording of the MCDC board meeting and was told it was available. Mr. Zaitz requested the Court direct the Economic Development Department to make public records available more readily and also immediately when distributed at a public meeting.

OWYHEE IRRIGATION DISTRICT BOARD VACANCY - CONTINUED DISCUSSION

After additional discussion concerning the selection process, consensus was to make a direct appointment based on the record provided by general counsel for Owyhee Irrigation District at the Court's next meeting of April 27, 2022. See instrument # 2022-1866 for Owyhee Irrigation District correspondence.

PUBLIC COMMENTS

Ryan Bailey spoke with the Court. Mr. Bailey explained that at the MCDC meeting there was more attendance than expected and not enough handouts to distribute to all at the time. Mr. Bailey also explained that yesterday when Mr. Zaitz stopped in the office inquiring about the meeting recording he had only downloaded the audio version of the meeting. Mr. Zaitz requested the video recording of the meeting; the video recording is approximately three times as large as the audio recording and took some time to download. The video recording of the MCDC meeting has since been posted and is available to the public on the Economic Development Department's website (and notification was made to Mr. Zaitz).

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.